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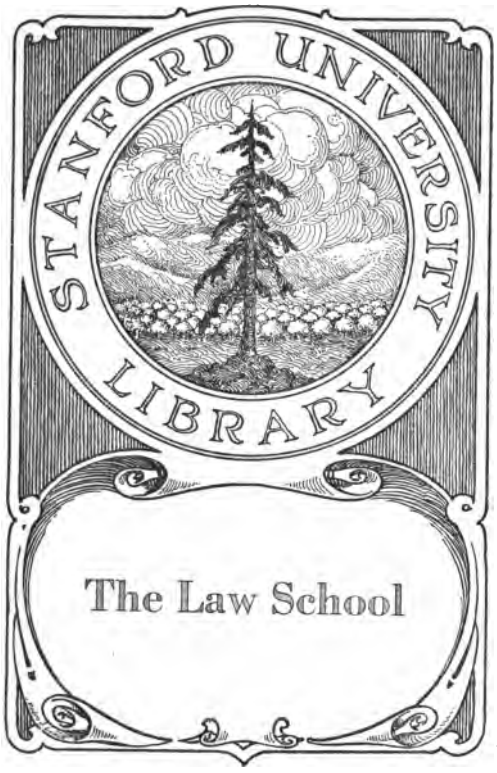

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ACTS OF A GENERAL NATURE

PASSED BY THE

FIFTY-FIRST GENERAL ASSEMBLY

OF THE

STATE OF OHIO:

(Second Session under the Constitution of 1851:)

BEGUN AND HELD IN THE CITY OF COLUMBUS,

JANUARY 1, 1854:

AND IN THE FIFTY-SECOND YEAR OF SAID STATE.

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ACTS OF A GENERAL NATURE.

AN ACT

To amend an act entitled "An act to fix permanently the times of holding the Court of Common Pleas, and District Court, in Hamilton county, and to provide for the regulation and practice thereof," passed January 23, 1852.

Terms of common pleas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the regular terms of the Court of Common Pleas, in and for the first district, shall commence on the first Monday of January, the second Monday of May, and the first Monday of November, in each year.

Terms of district court.

SEC. 2. That two terms of the district court in and for the fifth circuit, shall be held in each year, commencing on the first Monday of April, and the first Monday in October, respectively. And if, for any cause, a failure to hold either of said terms shall occur, it shall be the duty of the judges of said court, on giving thirty days' notice thereof in said circuit, to hold a special term within the same year; and should important business arise in said court, which cannot be disposed of for want of time, it shall be lawful for the judges thereof, to hold a special term of said court, at such time as they shall determine, on giving thirty days' notice thereof within the circuit; and the said judges shall at the same time determine, whether they will call a jury, and have process returned to said special term, and shall notify the clerk and sheriff thereof, and upon receiving such notice, it shall be the duty of the clerk and sheriff, respectively, to draw and summon a jury for such special term, in the manner provided by law in other cases, and to return all process to such special term, except in cases of sales of land, wherein sufficient time for its execution shall not have elapsed since the issuing thereof.

Special term.

Notice to be given.

Jury when, how drawn and summoned.

Return of process, except, &c.

Judges may adopt rules.

SEC. 3. The judges of said district court shall have power to adopt and publish rules of practice to be observed in said courts, provided such rules, shall not conflict with the rules adopted by the Supreme Court.

Repealing.

SEC. 4. That the first and third sections of an act entitled "An act to fix permanently the times and manner of holding the courts of common pleas, and district court in Hamilton county, and to provide for the regulation and practice thereof," passed January 23, 1852, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25, 1854.

AN ACT

To fix and provide for the holding of the terms of the Court of Common Pleas, in the several counties of the Second Judicial District of Ohio.

Terms of common pleas, second judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the Court of Common Pleas shall be holden in the several counties of the Second Judicial District of Ohio, as follows:

FIRST SUB-DIVISION.

Butler. In the county of Butler, on the last Tuesday of February, on the second Tuesday in August, and on the fourth Tuesday of October.

Preble. In the county of Preble, on the last Tuesday in March, on the first Tuesday in September, and on the second Tuesday in December.

Darke. In the county of Darke, on the second Tuesday in April, on the last Tuesday in September, and the third Tuesday of November.

SECOND SUB-DIVISION.

Miami. In the county of Miami, on the first Monday in March, on the first Monday in August, and on the first Monday in October.

Champaign. In the county of Champaign, on the third Monday in March, on the third Monday in August, and on the third Monday in October.

Montgomery. In the county of Montgomery, on the first Monday in April, and on the fifth Monday in October.

THIRD SUB-DIVISION.

Greene. In the county of Greene, on the second Tuesday of March, first Tuesday of August, and on the third Monday of October.

In the county of Clark, on the fourth Monday of April, third Monday of July, and first Monday of November. Clark.

In the county of Clinton, on the last Tuesday of March, the third Tuesday of August, and the third Tuesday of November. Clinton.

In the county of Warren, on the second Tuesday of April, the last Tuesday of August, and the first Tuesday of December. Warren.

SEC. 2. That in addition to the foregoing terms in that behalf provided for, either of the judges of the Court of Common Pleas within said district, is hereby authorized to adjourn over to any special term for the purpose of completing unfinished business; or, whenever the same may be considered for the public good; such judge may order and hold, after proclamation as prescribed in the act authorizing special sessions of the Court of Common Pleas, passed March 2, 1852, within any of the counties constituting said district, a special term for the transaction and adjudication of criminal or civil business, or both, as such judge may order and direct, and all the business thus done, adjudicated or determined, shall be as valid as if done, adjudicated and determined at any regular term, appointed and provided for by the Legislature. Special terms provided, &c.

SEC. 3. That the act entitled "An act to fix and provide for the terms of the Court of Common Pleas, in the several counties of the second Judicial District of Ohio," passed February 9, 1853, be, and the same is hereby repealed. Act repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

February 25, 1854.

AN ACT

To amend the first section of "An act to fix and provide for the holding of the terms of the Court of Common Pleas, in the several counties of the second Judicial District of Ohio," passed February 25, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the "Act to fix and provide for the holding of the terms of the Court of Common Pleas, in the several counties of the second Judicial District of Ohio," passed February twenty-fifth, one thousand eight hundred and fifty-four, be so amended, as to read as follows:

SECTION. 1. That the terms of the Court of Common Pleas, shall be holden in the several counties of the second Judicial District of Ohio, as follows: Terms of common pleas, second judicial district.

[FIRST SUB-DIVISION.]

Butler. In the county of Butler, on the last Tuesday in February, and third Tuesday in September.

Preble. In the county of Preble, on the first Tuesday of April, and the last Tuesday in November.

Darke. In the county of Darke, on the last Tuesday of April, and the first Tuesday in November.

SECOND SUB-DIVISION.

Miami. In the county of Miami, on the first Monday in March, on the first Monday in August, and on the first Monday in October.

Champaign. In the county of Champaign, on the third Monday in March, on the third Monday in August, and on the third Monday in October.

Montgomery. In the county of Montgomery, on the first Monday in April, and on the fifth Monday in October.

THIRD SUB-DIVISION.

Greene. In the county of Greene, on the second Tuesday of March, the first Tuesday of August, and the third Tuesday of October.

Clinton. In the county of Clinton, on the last Tuesday of March, on the first Tuesday of August, and on the third Tuesday of November.

Warren. In the county of Warren, on the second Tuesday of April, on the last day of August, and on the first Tuesday in December.

Clark. In the county of Clark, on the second Monday of May, and

Proviso. on the first Monday of November; *Provided*, That nothing herein contained, shall affect any term of said Court of Common Pleas, commenced or held pursuant to the first section of the "act" to which this is amendatory; but the same shall be continued and held, as though this act had not been passed.

Sec. repealed. SECTION 2. That the original section one of the act to which this is amendatory, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS.
President of the Senate.

March 25, 1854.

AN ACT

To fix and provide for holding the terms of the Courts of Common Pleas, in the several counties of the third Judicial District of Ohio.

Terms of the common pleas third judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the Court of Common Pleas, shall be holden in the several counties in the third Judicial District of Ohio, annually as follows:

[FIRST SUB-DIVISION.]

Allen. In the county of Allen, on the first Tuesday of April, and the first Tuesday of December.

Hardin. In the county of Hardin, on the second Tuesday of March, first Tuesday of June, and first Tuesday of October.

Marion. In the county of Marion, on the third Tuesday of March, second Tuesday of June, and the second Wednesday of October.

Union. In the county of Union, on the second Tuesday of April, third Tuesday of June, and the third Tuesday of October.

Logan. In the county of Logan, on the fourth Tuesday of April, fourth Tuesday of June, and the last Tuesday of October.

Shelby. In the county of Shelby, on the third Tuesday of April, second Tuesday of July, and second Tuesday of November.

Auglaize. In the county of Auglaize, on the second Tuesday of May, third Tuesday of July, and the fourth Tuesday of November.

SECOND SUB-DIVISION.

Paulding. SEC. 2. In the county of Paulding, on the first Tuesday of March, and the first Tuesday of October.

Fulton. In the county of Fulton, on the third Tuesday of March, and the fourth Monday of September.

Williams. In the county of Williams on the first Tuesday of April, and the first Tuesday of November.

Defiance. In the county of Defiance, on the third Tuesday of April, third Monday of July, and the third Tuesday of November.

Henry. In the county of Henry, on the first Monday of May, and the last Monday of October.

Mercer. In the county of Mercer, on the third Monday of May, and the third Monday of October.

Van Wert. In the county of Van Wert, on the fourth Monday of May, and second Wednesday of October.

Putnam. In the county of Putnam, on the second Monday of June, and the fourth Tuesday of October.

THIRD SUB-DIVISION.

Wood. SEC. 3. In the county of Wood, on the fourth Monday of February, the fourth Monday of July, and the first Monday of October.

Seneca. In the county of Seneca, on the first Tuesday of March, second Tuesday of July, and third Tuesday of October.

Hancock. In the county of Hancock, on the fourth Tuesday of March, first Tuesday of July, and the first Tuesday of November.

Wyandot. In the county of Wyandot, on the first Tuesday of April, fourth Monday of June, and second Tuesday of November.

Crawford. In the county of Crawford, on the second Tuesday of April, third Monday of June, and third Tuesday of November.

Adjourned terms, &c. SEC. 4. That whenever the state of business in any of said Courts of Common Pleas, is such as to render it necessary, such court shall have power to appoint and hold an adjourned term for the purpose of completing the business of any regular term, upon notice thereof being entered upon its journals.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

March 1st, 1854.

AN ACT

To fix and provide for holding the terms of the Court of Common Pleas in the Fourth Judicial District of Ohio.

Terms of common pleas fourth judicial district. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the Court of Common Pleas shall be held in the several counties of the Fourth Judicial District of Ohio, as follows:

FIRST SUB-DIVISION.

Erie. In the county of Erie on the first Tuesday of February, the third Monday of May, and the third Monday of October.

Huron. In the county of Huron on the fourth Tuesday of February, the first Monday of June, and the first Monday of November.

Sandusky. In the county of Sandusky on the second Monday of March, the third Monday of June, and the third Monday of November.

Lucas. In the county of Lucas on the fourth Monday of March, the first Monday of July, and the first Monday of December.

Ottawa. In the county of Ottawa on the second Monday of May, the fourth Monday of July, and the fourth Monday of December.

SECOND SUB-DIVISION.

Lorain. In the county of Lorain on the second Tuesday of February, the second Tuesday of May, and the first Wednesday after the second Tuesday of October.

In the county of Medina on the first Tuesday of March, the last Tuesday of May, and the last Tuesday of October. Medina.

In the county of Summit on the third Tuesday of March, the second Tuesday of June, and the second Tuesday of November. Summit.

THIRD SUB-DIVISION.

In the county of Cuyahoga on the fifteenth day of February, the seventeenth day of May, the second day of August, and the fifteenth day of November: Provided that the August term of said Court in Cuyahoga county, shall be a term for the transaction of criminal business only. Cuyahoga

SEC. 2. That whenever the state of business in any of the said Courts of Common Pleas, is such as to render it necessary, such Court shall have power to appoint, and hold an adjourned term, for the purpose of completing the business of any regular term, upon notice thereof being entered upon the journals of such Court. Adjourned term.

SEC. 3. That the act entitled "an act to fix and provide for holding the terms of the Court of Common Pleas, in the fourth Judicial district of Ohio, "passed January 12, 1853," be and the same is hereby repealed: Provided, this repeal shall not affect any act done, or right acquired under the act hereby repealed, and that this act shall take effect on the fourteenth day of February, 1854. Repealing clause. Proviso.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS.
President of the Senate.

April 5, 1854.

AN ACT

To fix and provide for holding the terms of the Court of Common Pleas in the several counties of the fifth Judicial District in Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Courts of Common Pleas shall be held in and for the several counties of the fifth Judicial District of Ohio, at the times following, to-wit: Terms of Common Pleas in Fifth Judicial District

FIRST SUB-DIVISION.

SEC. 2. In the county of Clermont, the second Tuesday of March, the fourth Tuesday of July, and the third Tuesday of October. Clermont.

Brown. In the county of Brown, the first Tuesday of April, the third Tuesday of August, and the first Tuesday of November.

Adams. In the county of Adams, the third Tuesday of April, the fifth Tuesday of August, and the fourth Tuesday of November.

SECOND SUB-DIVISION.

Fayette. SEC. 3. In the county of Fayette, the third Tuesday of February, the fifth Tuesday of May, and the second Wednesday of October.

Highland. In the county of Highland, the first Tuesday of March, the second Tuesday of June, and the fourth Tuesday of October.

Ross. In the county of Ross, the third Tuesday of March, the fourth Tuesday of June, and the first Tuesday of November.

THIRD SUB-DIVISION.

Pickaway. SEC. 4. In the county of Pickaway, the third Tuesday of February, the fourth Tuesday of May, and the second Tuesday of November.

Madison. In the county of Madison, the first Tuesday of April, the fourth Tuesday of June, and the fourth Tuesday of October.

Franklin. In the county of Franklin, the first Tuesday of March the first Tuesday of June, and the first Tuesday of October.

Additional term. SEC. 5. That whenever the state of business in any of the said Courts of Common Pleas is such as to render it necessary, such court shall have power to appoint and hold an additional term for the purpose of completing the business of any regular term, upon notice thereof being entered upon the journals.

Act repealed. SEC. 6. That the act entitled "an act to fix and provide for holding the terms of the Court of Common Pleas in the fifth Judicial District in Ohio," passed January 10th, 1853, be and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

January 31st, 1854.

AN ACT

To fix and provide for holding the Court of Common Pleas in the sixth Judicial District of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the Court of Common Pleas shall be holden in the several counties of the sixth Judicial District, as follows: Terms of Common pleas in Sixth Judicial district.

FIRST SUB-DIVISION.

In the county of Delaware, on the last Monday of February, the first Monday of May, and the second Monday of September. Delaware.

In the county of Licking, on the second Monday of April, on the second Monday of August, and the fourth Monday of October. Licking.

In the county of Knox, on the second Monday of March, the last Monday of August, and the second Monday of November. Knox.

SECOND SUB-DIVISION.

In the county of Morrow, on the third Monday of February, the first Monday of May, and the last Monday of September. Morrow.

In the county of Ashland, on the first Monday of March, the first Monday of October, and the first Monday of November. Ashland.

In the county of Richland, on the fourth Monday of March, the second Monday of September, and the last Monday of November. Richland.

THIRD SUB-DIVISION.

In the county of Coshocton, on the first Monday of March, on the fourth Monday of August, and the first Monday of November. Coshocton.

In the county of Holmes, on the third Monday of March, the second Monday of September, and the third Monday of November. Holmes.

In the county of Wayne, on the first Monday of April, the fourth Monday of September, and the first Monday of December. Wayne.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT J. ATKINSON,
President of the Senate, pro. tem.

February 6, 1854.

AN ACT

To amend an act passed February 6th, 1854, to fix and provide for holding the Courts of Common Pleas in the sixth Judicial District of Ohio, and to repeal so much as fixes the times of holding the Courts in Ashland county.

Terms of common pleas in Ashland county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the Court of Common Pleas shall be holden in Ashland county, as follows: On the first Monday of March, the third Monday of August, and the first Monday of November.

Repealing clause.

SEC. 2. That so much of the act to which this is an amendment, as reads thus: In the county of Ashland on the first Monday of March, the third Monday of October, and the first Monday of November, be and the same is hereby repealed.

When to take effect.

SEC. 3. This act shall take effect and be in force from and after the first day of April, A. D. 1854.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25, 1854.

AN ACT

To fix permanently the times for holding the Courts of Common Pleas in the seventh Judicial District.

Terms of Common Pleas in Seventh Judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Courts of Common Pleas shall be annually held in and for the several counties of the seventh Judicial District, as follows, to-wit:

FIRST SUB-DIVISION.

Spring term.
Fairfield.
Perry.
Hocking.

SEC. 2. That the Spring term shall be held in the county of Fairfield, on the fourth Monday of February, in the county of Perry, on the second Monday thereafter, and in the county of Hocking, on the fourth Monday next thereafter.

Summer term.

SEC. 3. That the Summer terms shall be held in the county of Fairfield, on the second Monday of May, in the county of Perry, on the second Monday thereafter, and in the county of Hocking, on the fourth Monday next thereafter.

Fall term.

SEC. 4. That the Fall terms shall be held in the county of Fairfield, on the first Monday of October, in the county of Perry, on the second Monday thereafter, and in the county of Hocking, on the fourth Monday next thereafter.

SECOND SUB-DIVISION.

Spring term. Scioto. Pike. Lawrence, Jackson. Vinton.

SEC. 5. That the Spring terms shall be held in the county of Scioto, on the second Monday in February, in the county of Pike, on the fourth Monday in February, in the county of Lawrence, on the second Tuesday next after the fourth Monday in February, in the county of Jackson, on the fourth Tuesday next after the fourth Monday in February, and in the county of Vinton, on the fourth Monday next after the fourth Monday in February.

Summer term.

SEC. 6. That the Summer terms shall be held in the county of Scioto, on the second Monday in May, in the county of Pike, on the fourth Monday in May, in the county of Jackson on the second Tuesday next after the fourth Monday in May, in the county of Vinton ,on the second Monday next after the fourth Monday in May, and in the county of Lawrence, on the fourth Tuesday next after the fourth Monday in May.

Fall term.

SEC. 7. That the Fall terms shall be held in the county of Lawrence, on the last Thursday in September, in the county of Jackson, on the Wednesday next after the second Tuesday in October, in the county of Vinton, on the third Tuesday in October, in the county of Pike, on the second Monday next after the second Tuesday in October, and in the county of Scioto, on the third Monday next after the second Tuesday in October.

THIRD SUB-DIVISION.

Spring term. Washington. Gallia. Meigs. Athens.

SEC. 8. That the Spring terms shall be held in the county of Washington, on the fourth Thursday of February, in the county of Gallia, on the third Monday next thereafter, in the county of Meigs, on the fourth Wednesday next thereafter, and in the county of Athens, on the sixth Tuesday next thereafter.

Summer term.

SEC. 9. That the Summer terms shall be held in the county of Washington, on the second Thursday of May, in the county of Gallia, on the second Monday next thereafter, in the county of Meigs, on the third Wednesday next thereafter, and in the county of Athens, on the fourth Thursday next thereafter.

Fall term.

SEC. 10. That the Fall terms shall be held in the county of Athens, on the second Monday of October, in the county of Washington on the first, in the county of Meigs, on the third, and in the county of Gallia, on the fourth Monday next thereafter.

Act repealed.

SEC. 11. That the act entitled " an act to fix and provide for holding the terms of the Courts of Common Pleas in the several counties of the seventh Judicial District of Ohio,"

passed January 11th, A. D. 1853, be and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

January 31, 1854.

AN ACT

To fix and provide permanently for holding the terms of the Court of Common Pleas in the eighth Judicial District of Ohio.

Terms of Common pleas in Eighth Judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the Court of Common Pleas, shall be held annually in the several counties of the eighth Judicial District of Ohio, as follows, to-wit:

FIRST SUB-DIVISION.

Muskingum.

SEC. 2. In the county of Muskingum, the third Tuesday of February, the second Tuesday of May, and the fourth Tuesday of October.

Morgan.

In the county of Morgan, the third Tuesday of March, the second Tuesday of June, and the first Wednesday after the second Tuesday of October.

Noble.

In the county of Noble, the first Tuesday of April, the fourth Tuesday of June, and the third Tuesday of September.

SECOND SUB-DIVISION.

Belmont.

SEC. 3. In the county of Belmont, the second Tuesday of February, the first Tuesday of May, and the fourth Tuesday of September.

Guernsey.

In the county of Guernsey, the first Tuesday of March, the fourth Tuesday of May, and the first Tuesday after the fourth Tuesday of October.

Monroe.

In the county of Monroe, the third Tuesday of March, the second Tuesday of June, and the third Tuesday of October.

THIRD SUB-DIVISION.

Tuscarawas.

SEC. 4. In the county of Tuscarawas, the first Tuesday of February, the first Tuesday of May, and the fourth Tuesday of September.

In the county of Jefferson, the third Tuesday of February the third Tuesday of May, and the first Wednesday after the second Tuesday of October. Jefferson.

In the county of Harrison, the second Tuesday of March, the second Tuesday of June, and the first Tuesday of November. Harrison.

SEC. 5. That whenever the state of business shall require it, or when it may become necessary from any good cause, the judge of either of said courts of Common Pleas, may appoint and hold an adjourned term for the purpose of completing the business of any regular term, notice thereof having been first entered upon the journal of the court at the regular term at which such adjourned term shall be appointed, and each of such judges shall also have power to hold a special term of court, within and for any county within his proper sub-division, when the same shall be necessary for the transaction of any business that could lawfully be done at any regular term of said court, and when he shall determine to appoint such special term, he shall issue his written order to the clerk of the proper county, specifying therein the time at which such special term shall begin, and the object for which the same shall be called. Such order shall be issued to the clerk at least three weeks prior to the time fixed for the commencement of such special term, who shall forthwith cause the same to be published in some newspaper in the county, and shall proceed to perform such duties as may be necessary, in view of such special term, and all business done at such special or adjourned term, shall be as valid as if transacted at any regular term provided for by law. Adjourned term. Special term. Order to clerk.

SEC. 6. That the act entitled "an act to fix and provide for holding the terms of the Court of Common Pleas in the eighth Judicial District of Ohio," passed January seventeenth, one thousand eight hundred and fifty-three, be and the same is hereby repealed. Act repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT J. ATKINSON,
President of the Senate, pro. tem.

February 6, 1854.

AN ACT

To fix and provide for holding the terms of the Courts of Common Pleas in the several counties of the ninth Judicial District of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the Courts of Common Pleas shall be held in the several counties of the ninth Judicial District of Ohio, as follows: Terms of Common Pleas in Ninth Judicial district.

FIRST SUB-DIVISION.

Stark. In the county of Stark, on the fourth Monday of March, the fourth Monday of July, and the second Monday of November.

Carroll. In the county of Carroll, on the second Monday of April, the fourth Monday of August, and the first Monday of November.

Columbiana. In the county of Columbiana, on the first Monday of March, the second Monday of August, and the third Monday of October.

SECOND SUB-DIVISION.

Mahoning. In the county of Mahoning, on the fourth Tuesday of February, the last Tuesday of May, and the third Tuesday of September.

Portage. In the county of Portage, on the second Tuesday of February, the second Tuesday of June, and the first Wednesday after the second Tuesday of October.

Trumbull. In the county of Trumbull, on the second Tuesday of March, the fourth Tuesday of June, and the last Tuesday of October.

THIRD SUB-DIVISION.

Ashtabula. In the county of Ashtabula, on the fourth Monday of March, the third Monday of June, and the fourth Monday of October.

Lake. In the county of Lake, on the fourth Monday of February, the fourth Monday of May, and the fourth Monday of September.

Geauga. In the county of Geauga, on the second Monday of March, the first Monday of June, and the second Monday of October.

Relative to drawing juries, and the issue and return of writs in certain cases.

SEC. 2. The Clerk of the Court of Common Pleas of any of said counties, in which there shall not be sufficient time to draw juries, and issue writs of *venire facias* before the first or any other term as pointed out in the fourth section of the act relating to juries, shall nevertheless draw juries and issue writs at any time before the sitting of such courts, and the court when convened may order the same to be returned forthwith, and the sheriff to whom any writ may be issued, shall serve and return the same according to command thereof; and such service and return shall be as valid as if such writ had been issued thirty days previous to the sitting of the court.

Act repealed.

SEC. 3. That the act entitled "an act to fix and provide for holding the terms of the Court of Common Pleas in the several counties of the ninth Judicial District of Ohio,"

passed January 19th, 1853, be and the same is hereby repealed.

Adjourned session.

Notice of how given, &c.

SEC. 4. That if the business of any county shall require a special or adjourned session of said court to be held, the Judge of the sub-division shall appoint a time for holding the same in such county, of which session thirty days' notice shall be given by publication in some newspaper published at the county seat of said county, stating the time, and all business done at such special session shall in law be regarded the same as if transacted at a regular adjournment of the last term of said court preceding said special or adjourned session.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

February 24, 1854.

[AN ACT]

To provide for the completion of certain contracts heretofore made by School Directors.

To empower township boards of education to complete certain contracts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where, pursuant to law, contracts have been made or entered into for the sale of school house sites or lands, the property of any school district heretofore existing in this State, and the sale remains to be perfected by conveyance, the township board of Education, in the township where such property may be situate, shall be authorized to complete the same by executing a conveyance in the manner prescribed in section eleven of the act entitled an act to provide for the re-organization, supervision, and maintenance of Common Schools, passed March 14th, 1853, on full compliance therewith by the purchaser or purchasers.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT J. ATKINSON,
President of the Senate, pro tem.

February 6th, 1854.

AN ACT

Supplementary to an act privileging certain persons from arrest and imprisonment, passed February 24th, 1831.

To privilege Israelites from civil arrest on their day of worship.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Israelites, and all such other persons as religiously observe the last or any other day of the week, as a day of worship, shall on said day, be privileged from arrest upon civil process, within their respective synagogues, or places of worship, during the time of service, and when actually going to, or returning therefrom.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

February 11, 1854.

AN ACT

Making appropriations in part for the year 1854.

Appropriations in part for 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and they are hereby appropriated, out of any money in the Treasury, to be paid for the year eighteen hundred and fifty-four, viz: For the payment of the members of the General Assembly, their Clerks, Sergeant-at-Arms, Doorkeepers and Messengers, the sum of fifty thousand dollars.

Stationery.

For the payment of Stationery for the State, ten thousand dollars.

Public printing.

For the payment of the public printing, ten thousand dollars.

Prosecution in criminal cases.

For costs of prosecution in criminal cases, and transportation of convicts to the Penitentiary, five thousand dollars.

Fuel.

For the purchase of fuel for the General Assembly and for the public offices, fifteen hundred dollars.

Distribution of laws.

For payment of charge for distribution of Laws and Journals, one thousand dollars.

Treasurers' mileage.

For Treasurers' mileage, one thousand dollars.

Legislative Halls and Supreme Court room.

For furnishing Legislative Halls and Supreme Court Room, three hundred and ninety-two dollars and sixty-nine cents.

Lunatic Asylum.

For the current expenses of the Ohio Lunatic Asylum, in part, since the fifteenth day of November last, the sum of six thousand dollars.

For the current expenses of the Asylum for the Deaf and Dumb, in part, since the fifteenth day of November last, the sum of two thousand dollars. Deaf & Dumb Asylum.

For the current expenses of the Asylum for the Blind, in part, since the fifteenth day of November last, the sum of one thousand and five hundred dollars. Blind Asylum.

For the compensation and expenses of the Quarter Master General, three hundred dollars. Quarter Master General.

For paying expenses and taking care of the public arms, five hundred dollars. Public Arms.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

Feb. 25th, 1854.

AN ACT

Supplementary to an act defining the mode of laying out and establishing State Roads, passed March 11th, 1853.

Concerning vacating State and free turnpike roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any part of a State road, or free turnpike road, within any county of this State, shall become useless, or where a State road or free turnpike road may remain unopened for the term of five years, after the same has been established, the commissioners of such county may, on application of twelve freeholders of the county, appoint three disinterested freeholders to view the same and report whether such State road or free turnpike road is useless, or whether it would be of public advantage to vacate it; and if such freeholders shall report in favor of such vacation, then the county commissioners may order said State road or free turnpike road to be vacated, and the same proceedings shall be had on such application as are directed by law to be had on application to vacate county roads.

F. C. LEBLOND,
Speaker of the House of Representatives,
ROBERT LEE,
President of the Senate, pro tem.

March 1st, 1854.

AN ACT

Making appropriation for the payment of an award of damage assessed to George B. Holt, for property appropriated by the State for public use.

Making appropriation for damages assessed to Geo. B. Holt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be, and hereby is appropriated the sum of eleven hundred and forty dollars, without interest, for the payment of damage assessed to George B. Holt, by John McMakin, Alex. Anderson and Sabirt Scott, appraisers appointed by the Board of Public Works, in pursuance of a joint resolution of the General Assembly, passed at its last session, which sum was awarded as a compensation for one hundred and forty acres of land appropriated by the State, for the use, and in the construction of the Mercer county Reservoir, to be paid out of any moneys in the treasury not otherwise appropriated.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

February 11, 1854.

AN ACT

To provide for the payment of the claim of Andrew Swerman, for services during the session of A. D., 1854.

WHEREAS, Andrew Swerman, has worked and labored for the use of the House of Representatives, during the session of A. D., 1854, for the term of thirty-two days, in keeping up fires in the Hall of the House of Representatives, and assisting in keeping the same in order. Therefore,

Making appropriation to pay Andrew Swerman.

Be it enacted by the General Assembly of the State of Ohio, That Andrew Swerman, be allowed the sum of thirty-two dollars, for thirty-two days services, in keeping up fires in the Hall of the House of Representatives, and keeping the same in order for the session of 1854, and that the Treasurer of State, be authorized and empowered to pay the same out of the fund, to defray the expenses of the present Legislature, and under the same rules and laws by which the members and officers of the House draw their pay.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

March 1st, 1854.

AN ACT

To amend an act entitled an act for the incorporation of Townships, passed March 14th, 1853.

Board of trustees, how appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any Township now is, or hereafter shall be without a Board of Trustees from any cause, it shall be the duty of the Justices of the Peace of such township forthwith to appoint suitable persons, having the qualifications of electors in such township, to fill the vacancies that have occurred, or may hereafter occur in the Board of Trustees; and the Justices of the Peace, who may discharge said duty, shall make a out certificate of such appointment, and file it with the Clerk of the proper Township, who shall record the same. And the person or persons thus appointed, shall take the same oath or affirmation required of like officers chosen at any annual election, and hold their offices until their successors shall be duly elected and qualified.

Term and oath of office.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 6, 1854.

AN ACT

Providing for the election of Coroners and Sheriffs, and fixing their terms of office.

How elected.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be elected on the second Tuesday of October, biennially, by the qualified voters in each organized county in this State, one Sheriff and one Coroner for such county, who shall hold their offices for two years from the first Monday of November, next succeeding their election and until their successors shall be elected and qualified.

To hold office two years.

Terms of those in office, when to expire.

SEC. 2. That the term of office of all Sheriffs and Coroners elected in the several counties of this State, on the second Tuesday of October, in the year eighteen hundred and fifty-two, shall expire on the first Monday of November, in the year eighteen hundred and fifty-four; and the term of office of all Sheriffs and Coroners elected on the second Tuesday of October, in the year eighteen hundred and fifty-three, shall expire on the first Monday of November, in the year eighteen hundred and fifty-five, or so soon thereafter as their respective successors are selected and qualified.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 8, 1854.

AN ACT

Authorizing Insurance Companies to increase the number of Directors.

Number of directors may be increased, not to exceed twenty-one.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, it shall be lawful for any insurance company now incorporated within this State, at the will of the stockholders representing a majority of the stock, to increase the number of the directors, (all of whom shall be stockholders,) to any number not exceeding twenty-one.

Quorum.

SEC. 2. That the directors of said companies shall have power to fix the number of directors composing a quorum for the transacting the business of said companies.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 8, 1854.

AN ACT

To amend section 106, of an act entitled "an act to establish a Code of Civil Procedure," passed March 11, 1853.

To amend section 106 code of civil procedure.

Pleading to be verified, and how.

When a corporation is a party, and when the State is a party.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 106, of an act entitled "an act to establish a Code of Civil Procedure," passed March 11, 1853, be so amended as to read as follows: SEC. 106, That every pleading of fact, must be verified by the affidavit of the party, his agent or attorney. When a corporation is a party, the verification may be made by an officer thereof, its agent or attorney; and when the State, or any officer thereof in its behalf, is a party, the verification may be made by any person acquainted with the facts, the attorney prosecuting or defending the action, the prosecuting attorney, or attorney general. A pleading verified as herein required, shall not be used against a party in any criminal prosecution, or action or proceeding, for a penalty or forfeiture as proof of a fact admitted or alledged in such pleading, and such verification shall not make other, or greater proof necessary on the side of the adverse party.

Verified pleading shall not be used against the party in criminal prosecution.

Repealing.

SEC. 2. Section 106, of an act, entitled "an act to establish a Code of Civil Procedure," is hereby repealed.

F. C. LEBLOND.
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 11, 1854.

AN ACT

To amend an act to authorize the Governor to appoint Commissioners to take acknowledgment of deeds, or other contracts, and depositions, in other States passed January 26, 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the first section of said act be so amended as to read as follows: SECTION 1. That the Governor shall have power to appoint one or more Commissioners, in any other of the United States and in any foreign country, who shall continue in office during the pleasure of the Governor, and shall have authority to take the acknowledgment and proof of the execution of any deed, or other conveyance, or lease of any lands lying in this State, or of any contract, letters of attorney, or of any other writing, under seal or not, to be used and recorded in this State.

Appointment.

Term of office.

Powers and duties.

SEC. 2. That the fourth section of said act be so amended as to read as follows: SECTION. .4 Every such Commissioner, before performing any duty or exercising any power in virtue of his appointment, shall take and subscribe an oath or affirmation, before a Judge or Clerk of one of the courts of record of the State, Kingdom, or Country in which said Commissioner shall reside, well and faithfully to execute and perform all the duties of such Commissioner, under and by virtue of the laws of the State of Ohio, which oath, and a description of his seal of office, together with his signature thereto, shall be filed in the office of the Secretary of State, of this State.

How qualified.

Oath, discription of seal, with his signature to be filed in the office of the Secretary of this State.

Repealing.

SEC. .3 That sections one and four of the act to which his is an amendment, be and the same are hereby repealed: *Provided*, that all appointments made under the provisions of said original act, previous to the passage of this act, shall remain and continue in force the same as if this act had not been passed; and no right, obligation, or liability, accruing under said original act, shall be effected hereby.

Proviso.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS.
President of the Senate.

March 25, 1854.

AN ACT

Supplementary to "an act to regulate the election, contest of election, and the resignation of Justices of the Peace," passed March 11, 1853.

To provide for the election of Justices of the Peace, where the corporate limits of a city or village become co-extensive with the Township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where the corporate limits of any city, or incorporated village, are now, or hereafter may become co-extensive with the limits of any township in which such city or incorporated village is, or shall be situated, and in all cases in which the township has been, or may become merged in any city or incorporated village, the corporate existence of such township, shall nevertheless continue for the purpose of electing therein, justices of the peace for such township.

City Council required to discharge the duties of Trustees.

SEC. 2. In all such cases, justices of the peace, to the number now allowed, or which may be hereafter allowed to such township, may be elected by the qualified voters thereof, at the times, and in the manner now or hereafter to be prescribed for the election of justices of the peace in other townships, except that in townships wherein the office of township trustees has been abolished, all the rights, powers, and duties, in connection with such election, devolving upon township trustees, in other townships, shall be devolved upon, and be performed by the city council of such city, and the trustees of such incorporated village aforesaid.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 1st, 1854.

AN ACT

Supplementary to "an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio," passed May 1st, 1852.

To authorize the use of plank or gravel in the construction of Turnpikes or Plank Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Directors of any Turnpike or Plank Road Company heretofore incorporated, or that may be hereafter formed, under any law of this State, are hereby authorized, in the construction or repairing of their road, to make or construct any part of such road, with either gravel or plank, as one or the other material may be the most convenient for such part of said road; Provided, such alteration shall not

impair the utility of said road, or render it less valuable to the traveling public.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 3, 1854.

AN ACT

To provide for the distribution of Curwen's Revised Statutes of Ohio.

Secretary of State to distribute Curwen's Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Secretary of State be, and he is hereby authorized and directed to distribute, in the same manner as the general laws are now by law distributed, the three volumes of Curwen's Revised Statutes of Ohio, in the following manner:

What officers entitled to copies.

One copy to the County Auditor, one copy to the County Treasurer, one copy to the County Recorder, one copy to the Sheriff, one copy to the Prosecuting Attorney, one copy to the Probate Judge, and one copy to the Clerk of the Common Pleas, of each county of this State.

Judges of Supreme and Common Pleas Courts, one copy each.

One copy to each of the Judges of the Supreme Court, and to each Judge of the several Courts of Common Pleas in the State.

Each State in the Union, one copy.

One copy to each State of this Union, with whom this State is accustomed to exchange copies of their laws.

State officers and Benevolent Institutions.

One copy to each of the State offices at Columbus, and one copy to each of the Benevolent Institutions.

Remainder to be preserved in State Library.

And the remaining copies to be preserved in the State Library for public use. The copies herein ordered to be distributed to officers, shall be preserved by them, and delivered by them to their successors in office.

Officers to preserve and deliver to successor.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 3, 1854.

AN ACT

To establish alterations in State and County Roads.

Relative to State and County Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all alterations of State and County Roads, now made and established, shall hereafter form a part of such road, and so much of the original road as lies between points at which the alteration intersects, shall be and remain vacated.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25, 1854.

AN ACT

Supplementary to an act entitled "an act for the better management of Orphan Asylums," passed March 11th, 1853.

Relative to Orphan Asylums in cities of the first and second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cities of the first and second classes, in which orphan asylums are now, or may hereafter be established, it shall, and may be lawful for the trustees of said asylums, for the time being, or a majority of them, to bind out any and all children placed in said asylums, as well male as female, in the same manner, and under the same restriction as the parents or guardians of children, or trustees of townships are authorized to bind out children, under the laws of the State of Ohio, and on behalf of such children to enter into the proper agreement, as may be required by said laws, with the person or persons to whom the said child or children shall be indented: *Provided*, that before said indentures shall be held to be valid, said trustees as aforesaid, shall obtain the approval of the judge of probate, who shall endorse the same, as the evidence thereof.

Powers of Trustees.

Agreement of Trustees.

Indentures endorsed by Probate Judge.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25. 1854.

AN ACT

Authorizing depositions to be taken in the State of Ohio, to be used in the courts of other States.

Relative to taking depositions in this State, to be used in other States or territories.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any party to any civil action, cause, or matter, pending before any court, or before any mayor or any other judicial officer of a city, or town corporate, or before any arbitrators, or referees of any other State, district or territory of the United States, may obtain the testimony of any witness residing in this State, to be used in such other State, district, or territory.

Officer or Commissioner may summon the witness if he live in the county where the deposition is to be taken.

SEC. 2. Any officer or commissioner, authorized by any other State, district, or territory of the United States, to take depositions in this State, shall have power at the instance of the party wishing to obtain the deposition of any witness, to cause such witness, if he reside in the county where his deposition is to be taken, by process of summons, to appear before him, on reasonable notice, at a certain time and place, therein specified.

Officer, &c., required to take the testimony in writing.

SEC. 3. The officer or commissioner, before whom such witness shall appear, shall take down his testimony in writing, and shall certify and transmit the same to the court or tribunal, before which such civil action, cause, or matter is pending, in such manner as the practice of the court or tribunal may require.

Attachment may issue.

SEC. 4. If any person shall refuse or neglect to attend at the time and place mentioned in the summons, issued in accordance with this act, not having a reasonable excuse for such refusal or neglect, or if on his attendance, he shall refuse to testify, or answer any question, not being protected by law from testifying thereto, the officer or commissioner issuing such summons, is hereby authorized and empowered to compel such person, by attachment, to appear and answer, under such penalties as would be incurred, for a like offense, on the trial of a civil action before a justice of the peace, in this State; *Provided*, that before any person, summoned as aforesaid, shall be compelled to testify, he shall be paid, if he demand them, his lawful fees for attendance.

Penalty the same as before a Justice of the Peace in a civil action.

Witnesses entitled to receive pay before testifying.

Compensation of witnesses.

SEC. 5. Any person who shall appear and testify, in manner aforesaid, shall be entitled to receive, from the party at whose instance he shall have been summoned, seventy-five cents for each day he shall give his attendance, and five cents per mile from his place of residence, to and from the place of taking such deposition; and if any person summoned as aforesaid, shall appear, and not be called upon to testify, he shall receive, for his attendance, the same compensation as he would be entitled to, by this act, for each day's attendance.

Penalty for perjury.

SEC. 6. That if any person, on his oath or affirmation, duly administered by any officer or commissioner authorized to take depositions by virtue of this act, shall wilfully and corruptly depose, affirm, or declare any matter to be fact, knowing the same to be false, or shall, in like manner, deny any matter to be fact, knowing the same to be true, every person so offending shall be deemed guilty of perjury, and upon conviction thereof, shall be imprisoned in the Penitentiary of Ohio, and kept at hard labor, not more than ten, nor less than three years.

Penalty for procuring &c. a person to commit perjury.

SEC. 7. That if any person shall persuade, procure, or suborn any other person to commit wilful and corrupt perjury, in manner aforesaid, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the Penitentiary of Ohio, and kept at hard labor, not more than ten, nor less than three years.

SEC. 8. This act shall take effect and be in force from and after its passage.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25, 1854.

AN ACT

To punish certain offences therein named.

Relative to punishment of certain offenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall wilfully and maliciously, in the day time, break and enter any dwelling house, kitchen, shop, store, ware-house, malt-house, still-house, mill, factory, pottery, water-craft, school house, church or meeting house, smoke house, barn, stable, railroad depot, car factory, station house, or railroad car, with intent to steal, every person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding three hundred dollars, and be imprisoned in the cell of the county jail, and be fed on bread and water only, not exceeding sixty days, at the discretion of the court.

Repealing clause.

SEC. 2. That an act entitled "an act to punish a certain offence," passed March 22, 1850, is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25, 1854.

AN ACT

To amend an act entitled an act to amend an act, entitled "an act to provide for the organization of cities and incorporated villages," passed March 11 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the twentieth section of said act, be, and the same is hereby so amended as to read as follows: SEC. 42. It shall be the duty of the Governor, Auditor, and Secretary of State, or any two of them, at the time of ascertaining the ratio of representation, as required by the eleventh section of the said article of the constitution, also to ascertain what cities of the second class, are entitled to become cities of the first class, and what incorporated villages are entitled to become cities, and their proper class: and the Governor shall cause a statement thereof, to be prepared by the Secretary of State, which statement he shall cause to be published in some newspaper printed in the city of Columbus, and also, in some newspaper printed in each of the cities and incorporated villages, the grade of which shall have been so advanced, and a copy of said statement shall also be transmitted by the Secretary of State, to the next session of the General Assembly; *Provided*, however, that before said city or incorporated village shall be advanced, as herein provided, the trustees thereof, by resolution certified to the Secretary of State, shall accept of such advanced grade, and therefrom any such city or incorporated village shall, at the next regular annual period for the election of municipal officers, proceed to organize, according to its new grade, by the election of officers properly belonging thereto, and on their election and qualification, the term of service of every former officer shall expire. And it shall be the duty of the Governor, Auditor, and Secretary of State, to declare incorporated villages, cities of the second class, and cities of the second class cities of the first class, between decennial periods; *Provided*, that the application from any incorporated village or city, be accompanied by a resolution adopted by such village or city council, asking to be declared a city of the first or second class, as the case may be, shall be accompanied with satisfactory evidence, showing the population of such village or city to be large enough to entitle them to such advancement.

Governor, Auditor and Secretary of State to ascertain the class of cities and villages.

Secretary of State to prepare statement,

Grades of villages and cities advanced between decennial periods.

SEC. 2. That section 20 of the act to which this is amendatory, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25, 1854.

AN ACT

Supplementary to an act entitled "an act to amend an act to provide for the organization of Cities and Incorporated Villages," passed March 11, 1853.

Powers and duties of City Councils relative to gas and Gas Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, it shall be lawful for the city council of any city in which a Gas Company has been, or may be hereafter established, to fix from time to time, by ordinance, the minimum price at which such council shall require such company to furnish gas to the citizens or public buildings of such city, or for the purpose of lighting the streets, alleys, and public grounds thereof, for any period not exceeding ten years; and from and after the assent of said company, to such ordinance, by a written acceptance thereof, filed in the clerk's office of such city; it shall not be lawful for said city council to require the said company to furnish gas to the citizens, public buildings, public grounds, or public lamps of such city, at a less price during the period of time agreed on, not exceeding ten years, as aforesaid; *Provided*, that this act shall not operate to impair or affect any contract heretofore made between any city and any Gas Light, or Gas Light and Coke Company.

Proviso.

Further provisions.

SEC. 2. That the city council of such city may, at any time after the default mentioned in the thirty-first section of the act to which this is supplementary, by ordinance, permit such gas company to use and occupy the streets of such city for the purpose of lighting the same, and furnishing gas to the citizens and public buildings.

Temporary failure to furnish gas, effects of.

SEC. 3. That any temporary failure to furnish gas shall not operate as a forfeiture, under the thirty-second section of the act to which this is supplementary, unless such failure shall be by the neglect or misconduct of such Gas Light or Gas Light and Coke Company; *Provided*, that such company shall, without unnecessary delay, repair the injury, and continue to supply such gas.

Proviso.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 5, 1854.

AN ACT

To authorize supplying evidences of title to lands, where the same has been lost or destroyed by accident.

Deeds for State lands; how renewed when destroyed by fire, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where lands have been purchased of the State of Ohio, and title deeds have been duly executed therefor, and the same have been lost or destroyed by accident, and no record thereof remains from which a certified copy can be made to supply the evidence of such lost deed, the proper executive officers shall be, and are hereby authorized and required to execute and deliver to such purchaser or purchasers, their heirs and assigns, a deed in place of any such deed so lost or destroyed, which shall have the same effect, to all intents and purposes, as such original deed would have had, if it had been delivered and duly preserved.

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

AN ACT

Concerning suits on the bond of Executors and Administrators.

Relative to actions on bonds of executors, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases when the powers of an executor or administrator, heretofore or hereafter appointed, under any law of this State, have ceased, by death, removal, resignation, or in any other manner, any succeeding administrator, or co-executor, or co-administrator, may maintain an action on the bond of such executor or administrator, whose powers have ceased, against any of the obligors thereof, or their legal representatives, for any breach of the conditions of said bond.

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives,
JAMES MYERS,
President of the Senate,

April 7, 1854.

AN ACT

To provide for the distribution of documents to the publishers of newspapers and periodicals in this State.

Secretary of State to forward documents to publishers of newspapers, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the Secretary of State, biennially, each year when the Legislature is not in session, to forward by mail or express, at the expense of the State, to the publisher of every newspaper and periodical in Ohio, so soon as published, one copy of the messages and reports of the officers of the executive department, the reports of the public State institutions, and of all general and special reports required by law to be made to the General Assembly, and the postage and express charges shall be paid out of the contingent fund of the Secretary of State. Said messages and reports shall be supplied out of any that may be printed in pursuance of any law now or hereafter in force.

Charges how paid

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

AN ACT

To amend "an act fixing and providing for the terms of the Supreme Court of the State of Ohio, and authorizing special terms thereof," passed March 11th, 1853.

Supreme Court.

Special or adjourned terms how held.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Supreme Court, in addition to the terms now provided by law to be held, may hold special or adjourned terms at such times and places as the judges, or a majority of them, may from time to time determine; thirty day's notice of the time and place of each special term to be given by said judges, or a majority of them, by advertisement in two newspapers printed in the city of Columbus; and the court may make all necessary orders for the return of process, and the transmission of papers and files of said court, to and from the place of holding said special term.

Process how executed and returned.

SEC. 2. That process issuing out of the Supreme Court shall be directed to the Sheriff or other proper officer of the county where the same is to be executed, who shall serve and return the same; *Provided*, that the crier of said court shall have power to serve any rule, order, warrant notice, or cita-

tion, issuing out of said court, and shall receive the same fees therefor, as other officers are entitled to for the like services.

SEC. 3. That section two of the act to which this is amendatory, be, and the same is repealed. Section repealed.

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

Curwen's R. S. 2176; Curwen's Laws, 1384.

AN ACT

To amend the act entitled An act, prescribing the duties of Supervisors, and relating to Roads and Highways, passed February 13, 1853.

Curwen's R. S., 2140; Curwen's Laws, 1352. Sec. amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-three, of said act, be so amended as to read as follows: That any person charged with a road tax on the grand levy, as provided for in the twenty-sixth and twenty-seventh sections of said act, may either personally, or by an agent, discharge the same by labor, to be performed on the road, within the proper district, within that township where such tax may be charged, by any any able bodied man, at the rate of one dollar per day, for each day's work, and a ratable proportion per day, for any team, wagon, cart, plow or scraper, that the supervisor may deem proper to employ, which labor shall be performed under the direction of the supervisor; to give to any person for whose benefit such labor was performed, a certificate of the amount of such labor, which certificate shall specify the amount of tax so paid in labor, and the district and township wherein such labor was performed; also that said work was done between the first day of April, and the first day of October; which certificate shall in no case be available, for any greater sum than shall be charged against such person, in the district where such labor was performed; and the county treasurer shall receive all such certificates as money, in the discharge of such road tax.

Manner of discharging road tax.

SEC. 2. That it shall be the duty of the county treasurer, to collect all taxes for road purposes, the same as other taxes, except as herein provided, in section one, of this act; and the taxes so collected, shall be paid over to the proper township treasurer, which shall be expended on the public roads within the districts from which the same has been collected.

Duty of County Treasurer.

SEC. 3. That this act shall take effect from and after its passage.

SEC. 4. That section thirty-three of the act prescribing the duties of supervisors, and relating to roads and highways, passed February 13th, A. D., 1853, is hereby repealed. Section repealed.

W. B. VANHOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

AN ACT

To establish the Superior Court of Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be, and hereby is established within the city of Cincinnati, in the county of Hamilton, a court of record, which shall be styled, "The Superior Court of Cincinnati," and which shall consist of three judges.

How styled.

Number of judges.

How elected.

First election.

Judges classified by lot.

Terms of office.

Elections for successors.

SEC. 2. The said judges shall be elected by the electors of the city of Cincinnati. They shall be voted for on one ballot. The first election for said judges shall be held in that city on the first Monday of May, A. D. 1854. The judges of said superior court shall, immediately after the first election under this act, be classified by lot, so that one shall hold for the term of three years, one for four years, and one for five years; and at all subsequent elections the term of each of said judges shall be for five years. Elections shall be held for the successors of said judges, on the first Monday of April, of each year in which the term of any such judge may expire; and in case the office of said judges shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the Governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired term, on the first Monday of April that occurs more than thirty days after the vacancy shall have happened.

Vacancy, how filled.

Elections for Judges, when held, &c.

Certificates of Judges to be commissioned.

SEC. 3. The election for said judges shall be held within the city of Cincinnati, and the poll books returned, and abstracts and certificates of elections made out as provided for municipal elections in cities and incorporated villages, and said certificates shall be transmitted, by the clerk, or recorder making the same, to the Governor, who shall issue commissions to the persons elected.

Oath, &c.

SEC. 4. The said judges shall take the same oath, and be removed for the same causes, as judges of the court of common pleas.

Seal.

SEC. 5. The said court shall have a seal, to be provided by the Secretary of State, at the expense of the State, having the same device as the seal of the court of common pleas, except, that there shall be engraved around the margin thereof, the words "Superior Court of Cincinnati," instead of the words "Common Pleas of the county of ——,"

Clerk.

SEC. 6. The clerk of the court of common pleas of Hamilton county, shall be the clerk of said court. The county commissioners of Hamilton county may require said clerk, in addition to the bond now required by law, an additional bond, in not less than ten thousand dollars, nor more than fifty thousand dollars, conditioned that he will truly and faithfully pay over all moneys that may be by him received in his offi-

cial capacity as clerk of said superior court of Cincinnati, and that he will enter and record all the orders, decrees, judgments and proceedings of said court, which he may by law be required to enter and record, and faithfully and impartially discharge and perform all the duties of said office.

Duties of Sheriffs, Coroners and Constables.

SEC. 7. Sheriffs, coroners and constables, shall be bound to attend said court, preserve order, and execute and return its process, as they are required to do in the court of common pleas; and all laws now in force, or which may be enacted, prescribing the duties and liabilities of such officers, and the mode of proceeding against them, or either of them, for any neglect of official duty, allowing fees, and providing for the collection thereof in the court of common pleas, shall be held and deemed to extend to the said superior court of Cincinnati, unless the same are or shall be plainly inapplicable.

Court, where to be held.

SEC. 8. The said superior court of Cincinnati, shall be held at the court house, in the city of Cincinnati, or at such other convenient place in the said city, as the Commissioners of Hamilton county shall provide.

Terms.

SEC. 9. The terms of said court shall commence on the first Monday of every month, except the months of July, August and September, in which months, terms may be held if directed by said court, at general term; and the terms thereof, shall be respectively called after the different months in which they are held, and they may be continued and held from the time of their commencement every day, Sundays excepted, until and including the last Saturday before the first Monday of the next month.

Judges may adjourn court.

SEC. 10. The judges of said court may adjourn the same on any day previous to the expiration of the term, for which the same may be held, and also from any one day in the term, over to any other day in the same term, if in their opinion the business of the court will admit thereof.

When Clerk may adjourn court.

SEC. 11. In case said court shall not be formed at any time, or any term thereof shall be interrupted by reason of the non-attendance of all or any of the judges thereof, it shall be lawful for the clerk of the said court to adjourn the same from day to day, or until the next term, and all process and other proceedings shall be contiued over accordingly.

General and special terms.

SEC. 12. A general term of said court may be held by any two of the three judges thereof, and a special term by any one of them; and general and special terms, one or more of them, may be held at the same time, as the judges of said court may direct.

Same.

SEC. 13. The special terms of said conrt shall be held for the trial of causes, and for the hearing of motions; all petitions in error shall be argued, or submitted, and decided in the said court, at a general term thereof. The concurrence

of two judges shall be necessary to pronounce a judgment at the general term. If the requisite number of judges do not concur, the matter shall be re-heard.

Jurisdiction of.

SEC. 14. The said superior court of Cincinnati, shall have original jurisdiction, where the sum or matter in dispute exceeds the jurisdiction of justices of the peace, to hear, try, and determine, according to law, the following actions:

Actions for recovery of real property.

1st. Actions for the recovery of real property, or of an estate, or interest therein; for the partition of real property; for the sale of real property under a mortgage, lien, or other charge or incumbrance, when the subject of the action shall be situated within the city of Cincinnati.

For performance of contracts.

2d. Actions to compel the specific performance of a contract for the sale of real estate, where all the defendants, or any of them, reside in the city of Cincinnati.

For recovery of fines, &c.

3d. Actions for the following causes, where the cause, or some part thereof, arose in the city of Cincinnati, to wit: Actions for the recovery of a fine, forfeiture or penalty; and when it is imposed for an offence committed on a river or road which bounds the city of Cincinnati, the action may be brought in said court, provided the offence was committed opposite the city of Cincinnati; also the actions enumerated in classes second and third of section forty-seven of the Code.

Against corporations.

4th. Actions, other than those enumerated in said sections forty-five, forty-six and forty-seven, of the Code, brought against a corporation, created by the laws of this State, which is situated in the city of Cincinnati, or has its principal office or place of business therein; and if such corporation be an insurance company, actions against the same, where the cause of action, or some part thereof, arose in said city of Cincinnati, unless in the case of any corporation created by a law of this State, the charter prescribes a place where alone a suit against such corporation may be brought.

Against common carriers.

5th. Actions against a railroad company, or an owner of a line of mail stages or other coaches, which passes through or into the city of Cincinnati, for an injury to person or property upon the road or line, or upon a liability as a carrier.

Against turnpike companies.

6th. Actions, other than those mentioned in sections forty-five, forty-six and forty-seven of the Code, against a turnpike road company, any part of which lies in the city of Cincinnati, or passes into or touches at said city.

Against non-residents of this State.

7th. Actions, other than those enumerated in sections forty-five, forty-six and forty-seven of the Code or Proceedure, brought against a non-resident of this State, or a foreign corporation, where property of, or debts owing to said defendant, may be found in the city of Cincinnati, or where said defendant may be found in the city of Cincinnati, and if said defendant be a foreign insurance company, ac-

tions brought against the same, where the case, or some part thereof, arose in the city of Cincinnati.

8th. Every other action, where the defendant, or some one of the defendants, reside or may be summoned in the city of Cincinnati, except applications for divorce and alimony, or for alimony. Where defendant resides in Cincinnati, except &c.

SEC. 15. Where any of the above enumerated actions is rightly brought in said court, a summons shall be issued to any county, against one or more of the defendants, at the plaintiff's request. Summons. Judgments, &c.

SEC. 16. Said court, at special term, shall have the same power to vacate or modify its own judgments or orders, rendered at a special term, and to enter judgments by confession, as is or may be vested by law in courts of common pleas. Judgments, &c.

SEC. 17. A judgment rendered, or final order made by said Superior Court of Cincinnati, at special term, may be reversed, vacated or modified by said Superior Court at general term, for errors appearing in the proceedings as special terms, or by exceptions taken in accordance with Article V. Title 9, of the Code of Civil Procedure. The proceedings to obtain such reversal, vacation or modification, shall be by petition, to be entitled "petition in error," and shall be the same as those provided by the Code of Civil Procedure upon petitions in error, except that it shall not be necessary to file with the petition a transcript of the proceedings, as required by section 517 of the Code; but the petition in error shall be heard upon the original files, pleadings and proceedings; and the said Superior Court, at a general term thereof, shall have the power to render such judgment as should have been rendered at a special term, or remand the cause to the special term for judgment, and upon such judgment execution may issue, as upon original judgments. Certain judgments, how reversed or vacated. Proceedings, &c.

SEC. 18. The process of the said court shall have the seal affixed, and be tested, directed, served and returned, and be in form as is or may be provided for the process of the Court of Common Pleas, varying only in the style of the court, and to conform, as far as may be necessary to its terms. Process, how served and returned.

SEC. 19. The said Superior Court of Cincinnati shall have full power to classify and distribute the business therein as may be necessary; to make rules and regulations for practice therein; to appoint masters, receivers, and other officers necessary to facilitate its business; to direct as to the modes of proceeding by or before said officers, and to tax costs. Court to classify business, make rules, &c.

SEC. 20. All laws now in force, or which may hereafter be enacted, conferring jurisdiction, in the actions above enumerated, upon the courts of common pleas, or district courts, giving them power to hear and determine such cases, and to preserve order and punish contempt, regulating their Laws concerning common pleas to apply to superior court.

practice and forms of process, prescribing the force and effect of their judgments, orders, or decrees, and authorizing or directing the execution thereof, shall be held and deemed to extend to the said Superior Court of Cincinnati, as fully as they extend to the said courts of common pleas and district courts, unless the same be inconsistent with this act, or plainly inapplicable; and the said Superior Court of Cincinnati, in respect to the form and manner of all pleadings therein, and the force and effect of its judgments, orders, or decrees, shall be deemed and held a court of general jurisdiction; and said court, at general terms, shall sign bills of exceptions, if required, the same as is provided for in trials before the district courts of Ohio.

Court to sign bills of exceptions.

Judgment reversed by supreme court for error.

SEC. 21. A judgment rendered, or final order made by said Superior Court of Cincinnati, at a general term thereof, may be reversed, vacated, or modified by the Supreme Court, for errors appearing on the records; but the petition in error in such case can be filed only by leave of the Supreme Court, or a judge thereof, in the same manner and within the same time as is now, or may be hereafter provided for reversing, vacating or modifying the final judgments, orders, or decrees of District Courts of this State.

Petit jurors, how selected.

SEC. 22. Six hundred judicious persons, having the qualifications of electors, shall be annually selected in the city of Cincinnati, to serve as petit jurors of the Superior Court of Cincinnati, for the ensuing year. They shall be apportioned by the clerk of said court to the several wards of said city, in proportion to the number of white male inhabitants of the age of twenty-one years, in each ward; and the apportionment to each ward shall be published in said ward, for the same time, and in the same manner as notice for the election of city officers is now, or may be hereafter required by law to be published; and the clerk of said court shall certify said apportionment of jurors to the mayor of said city, at least thirty days previous to said city election; and the judges of election, in their respective wards, shall, on the first Monday of April, in each year, select the number apportioned to their respective wards, from among the electors of such ward having the qualifications of jurors; and in all other respects the laws now in force governing the summoning special venires, impannelling, challenging, swearing and payment of petit jurors, shall apply to jurors of the Superior Court of Cincinnati, unless the same are inconsistent with this act, or plainly inapplicable; except the jurors of the Superior Court of Cincinnati, shall be paid out of the city treasury of Cincinnati, in such cases as they would otherwise be paid out of the county treasury; and jury fees collected by the sheriff in that court, shall be paid into the city treasury of Cincinnati; *Provided*, That jurors for the present year, and until the May term 1855, shall be selected and summoned for said court, in such manner, and at such time as said court shall direct.

Jurors paid out of city treasury.

Power of judge during recess of court.

SEC. 23. The judges of the said court, in the exercise of the jurisdiction hereby conferred, and in granting remedial writs and orders, shall, in the recess of said court, have the same power and authority as the judges of the court of common pleas.

Salary of judges.

SEC. 24. The judges of the Superior Court of Cincinnati, shall each be entitled to receive, annually, the sum of fifteen hundred dollars, payable in equal instalments at the State Treasury, on the second Monday of May, second Monday of August, second Monday of November, and second Monday of February.

Additional salary paid by city.

SEC. 25. The city council of Cincinnati, in additon to the salary provided for in section twenty-four, shall pay out of the treasury of said city, to each of the judges of the Superior Court of Cincinnati, for their services respectively, the sum of not less than two thousand dollars annually, at the discretion of said city council of Cincinnati, the same to be paid quarter yearly, in equal proportions; and when the salary shall be once fixed, the same shall not be increased or diminished during the residue of the term of office of the said judges. And to pay the said salaries, the said city council shall have power to levy and collect a tax on the real and personal property in said city, as the same has been or shall be appraised and returned on a grand levy of the State.

Suits may be removed from common pleas to superior court.

SEC. 26. The parties to any suit at common law, or in chancery, or to any civil action originally commenced in the Court of Common Pleas of Hamilton county, and now pending therein, of which said Superior Court of Cincinnati would have jurisdiction, if originally commenced therein, may, by written consent, signed by themselves or their attorneys, remove the same to said Superior Court of Cincinnati. The clerk of the Court of Common Pleas, upon the application to remove, shall make out a statement, under seal, of the docket entries in such case, with a statement of his costs, and deliver the same, with all the original papers in the cause, to the parties or their attorneys, taking their receipt for the same; and upon the filing of said papers, with the written agreement to remove, with the clerk of said Superior Court, he shall forthwith docket the cause, and the same shall thenceforth be considered in said court, and be proceeded in, as if the same had been originally commenced in that court, having regard to the former proceedings, the agreement to remove, and the costs before accrued, in the final record, as may be right and proper; and when such case is removed from the Court of Common Pleas, as aforesaid, the clerk shall enter such removal on his docket, and from thenceforth the said cause shall not be considered in that court.

Duty of clerk in case of removal.

Manner of proceeding in case judges are interested.

SEC. 27. If all the judges of said court shall be interested in the event of any action pending before them, the same shall be removed for trial into the Court of Common pleas of Ham-

ton county, under an order of said court; and if two of the judges of said court shall be interested in the event of any petition in error pending in said court, the same may be reserved and sent to the Supreme Court for its decision, under an order of said court.

To take effect.

SEC. 28. This act shall be in force from and after its passage.

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives,
JAMES MYERS,
President of the Senate.

April 7, 1854.

AN ACT

Authorizing the election of one additional Judge of the Court of Common Pleas in the first sub-division of the fourth Judicial District of Ohio.

Additional Judge to be a resident of 1st sub-district.

How elected, his term of office and salary.

Powers and duties.

Vacancy, how filled.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That for the fourth judicial district, there shall be one additional judge of the court of common pleas, who shall be a resident of the first sub-division of said district, consisting of the counties of Lucas, Ottowa, Sandusky, Huron, and Erie; and be elected by the qualified voters of said counties, at the next annual election for State and county officers, in the same manner and for the same term as is prescribed by law, for the election of other judges of the court of common pleas, and who shall be entitled to receive the same salary; his official term shall commence on the second Monday in February, 1855; and when so elected and qualified, he shall have in all respects, the same jurisdiction, possess the same powers, and discharge the same duties as are conferred and and enjoined by the constitution and laws of this State, upon other judges of said court; and any vacancy that may occur in the office of such additional judge, whether by expiration of his term, or otherwise, shall be filled as in other cases.

Relative to judges of said district and their duties.

SEC. 2. That the judges of the courts of common pleas, in the said fourth judicial district, may sit separately, or otherwise, as may be required by the state of busines in said district, and when sitting together, the oldest judge by commission shall preside, and they shall so arrange their business as to require each judge to do as near as may be an equal share of official duty, and may classify and distribute the business between themselves, and fix and determine the times of holding their special or adjourned sessions, so that they may not conflict with each other, and may prescribe the mode of keeping and authenticating the minutes of proceed-

ings had before them, or any of them, and may adopt such rules of practice as may be necessary for the correct transaction of business, not inconsistant with the laws of this State, and shall cause the same to be entered on their journals.

Section repealed.

Curwen's R S., 2177; Curwen's Laws, 1385.

SEC. 3. That the second section of the act entitled "An act authorizing the election of one additional judge of the court of common pleas, in the county of Cuyahoga, composing the third sub-division of the fourth judicial district," passed March 11th, 1853, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 13, 1854.

AN ACT

To provide for the holding of an additional term of the Court of Common Pleas in Paulding county, Ohio.

Paulding.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a term of the court of common pleas, in addition to the term now provided by law, shall be holden in the county of Paulding, on the thirtieth day of May, A. D. 1854.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 13, 1854.

AN ACT

Regulating the publication of the Ohio Reports.

Reporter to give undertaking to publish Reports in lieu of salary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if, on or before the first day of May next, the Reporter of the Supreme Court shall file with the Secretary of State, his written undertaking, to accept, in lieu of all salary or emolument now allowed or contemplated by law, as compensation for his services, as such Reporter, the right to

publish at his own costs and charges, and for his own benefit and advantage, either directly, or through some bookseller or booksellers of this State, the reports of cases decided in the said Supreme Court, and required by law to be reported, and to have and own the manuscript of cases so decided; then, and in such case, the printing of said reports shall no longer constitute a part of the public printing in this State; and the said reporter shall hereafter have the exclusive right to publish said reports, and the exclusive title to the manuscript opinions of Judges, statement of cases, and all other parts of said reports of decided cases, required by laws of this State to be reported, so far as this State has power to confer such exclusive right and title; *Provided*, however, that the said Reports shall, in each year, be printed, and bound in good law leather, in a style not inferior to the volume of said Reports last issued before the date of this enactment, entitled Ohio State Reports, volume first, and shall be in form and manner of execution similar to the volume last mentioned; and provided further, that the right as exclusively conferred on said reporter, shall not be construed to prevent or prohibit the re-publication and sale of said reports, by any person whomsoever, after the first publication made by said reporter, or by any person under his authority, as provided by this act.

Proviso.

Conditions on which Reports are to be published.

SEC. 2. That the right conferred in the preceding section, is upon the conditions following: The said reporter, or any book-seller or publisher whom he may authorize to publish said Reports, shall furnish to the State three hundred and fifty copies, in each year, of the volume of Reports, published in the particular year, at the rate of one dollar and sixty cents a volume; which said three hundred and fifty copies shall be received by the Secretary of State, and paid for by the Treasurer of State upon the order of the Auditor of State; and neither the said reporter nor any person authorized by him, or by any person deriving a right to sell said Reports from him, or in any manner permitted or allowed to make sale of said Reports, shall demand or receive from any purchaser, for use in this State, a greater sum than three dollars a volume for said Reports in any year; and it is further *provided*, as a condition of the right so allowed to said reporter, that the said Reports shall be ready for the delivery and sale within four months after the adjournment of the Court.

Proviso.

Right to publish Reports, official.

SEC. 3. That the right hereinbefore allowed to said reporter is not personal, but belongs to the office of said reporter, and is only transferable as hereinbefore expressed.

Injunction—when had.

SEC. 4. That any violation of the provisions of this act, as the price of said Reports, may be restrained by injunction, on the application of said reporter, or if he be in fault, on the application of the Secretary of State.

Penalty for failing to publish Reports.

SEC. 5. That if, after so undertaking to publish said Reports, the said reporter shall fail [or] refuse to comply with said undertaking, and shall not be able to show sufficient excuse therefor to the Judges of the Supreme Court, the fact of such failure or refusal, shall be good cause for the removal from office of said reporter.

Duty of Secretary of State if reporter refuses to publish Reports.

SEC. 6. That if, on or before the said first day of May next, the said reporter shall notify the Secretary of State, that he declines to give the undertaking mentioned in the first section of this act, or if within the time so limited, neither undertaking nor such notification as last aforesaid be given to the Secretary of State, the said Secretary shall proceed to give notice and provide for the publication of said Reports as follows: The said Secretary shall cause a notice to be published in two newspapers, printed in the city of Columbus, for the term of twenty-one days, for the printing and binding of two thousand copies of the Reports of cases decided in the Supreme Court of this State, at the term of said Court held last before the date of such notice; which printing and binding shall be in form, style and execution, as hereinbefore provided; and the said proposals shall be required to specify the price per thousand ems for composition, the price per token (of one hundred and twenty-five sheets) for press work, and the price for binding in good law leather, as aforesaid; and no extra charge whatever shall be paid to the contractor, for folding, pressing, collating, stiching, drying or such other work; but all such work shall be included in the bid for binding.

Notice.

Supreme Court to fix time for giving notice for proposals.

SEC. 7. In case of such failure or refusal as aforesaid, of the said reporter to undertake the publication of said Reports, the time for giving notice in the manner contemplated by the preceding section, shall be fixed for each succeeding year by an order entered by the Supreme Court on its journal, during the term to which such notice is to refer, which order shall be certified by the Clerk to the said Secretary of State.

Duty of Auditor, Secretary and Treasurer of State as to proposals.

SEC. 8. Within three days after the expiration of the notice required to be given by the Secretary of State, in any of the instances hereinbefore mentioned or intended, the said Secretary of State, in the presence of the Auditor and the Treasurer of State, shall open all such proposals by him received; and the State officers, or any two of them, on examing such proposals, shall accept the proposition of the lowest bidder therefor; *Provided*, that the contract for composition and press work, may be given to one person or firm, and the contract for binding may be let to another person or firm, if the bids or proposals warrant such a letting, and in such case the contractor for the binding shall take the printed sheets from the office at which they may be printed, without extra charge to the State.

Proviso.

To notify successful bidder.

SEC. 9. The State officers before named, shall immediately after the opening and acceptance of any such proposals, notify the successful bidder or bidders of such acceptance, who shall, within five days after the receipt of such notification, enter into bond to the State of Ohio, with two or more sureties, to be approved by the Secretary of State, in the sum of three thousand dollars each, if there be more than one such bidder, conditioned for the faithful performance of his or their contract, in compliance with the provisions of this act; which bond or bonds shall be deposited in the office of the said Treasurer of State; and if said bidder or bidders shall fail to give bond as aforesaid, the said contract or contracts shall be let to the next lowest bidder under the same restrictions.

Contractor to give bond.

Reports to be finished within ninety days.

SEC. 10. In case of such publication of said Reports by public authority, the printing of said Reports shall be completed within sixty days, and the binding within ninety days from the time of executing said bonds; and the contractor for the binding shall furnish all the materials necessary for performing his part of the work, without extra charge for said materials, or for delivering the volumes when bound.

Furnishing of paper, copy, &c.

Curwen's R. S., 1796; Curwen's laws, 1034.

SEC. 11. Whenever, under the provisions of this act, the publication of said Reports shall be made under public authority, the furnishing of paper, copy for the printer, and the auditing of the accounts [of] the printer and the binder, shall be governed by the provisions of the act, "to provide for the State printing," passed April 16, 1852.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 14, 1854.

AN ACT

Curwen's R. S., 1897; Curwen's Laws, 1130.

To amend an act, entitled "An act to provide for the creation and regulation of Incorporated companies in the State of Ohio," passed May 1st, 1852, and to repeal the act amendatory thereto, passed March 11, 1853.

Stockholders in corporations held individually liable.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the seventy-eighth section of the act to which this is an amendment, be so amended as to read as follows: SECTION 78. All stockholders of any railroad, turnpike, or plank-road, magnetic telegraph or bridge company, or any joint stock company organized under the provisions of this act, shall be deemed and held liable to an amount equal to their stock subscribed in addition to said stock, for the purpose of securing the creditors of such company, and

the trustees or directors of every society or association incorporated under the provisions of the sixty-sixth section of this act, shall be deemed and held individually liable for all debts contracted by them for their respective societies or associations.

Section repealed.

SEC. 2. That the seventy-eighth section of the aforesaid act, to which this is an amendment, and the act, "To amend an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed March 11, 1853, be, and the same are hereby repealed.

Curwen's R. S., 2176; Curwen's Laws, 1385.

F. C. LaBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 17, 1854.

AN ACT

Supplementary to the act, entitled "An act authorizing the sale of lands granted by Congress, for the support of religion, within the Ohio Company's purchase," passed March 3, 1834.

Benefit of the provisions of the act extended, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the benefit of the provisions of the said "act authorizing the sale of lands granted by Congress, for the support of religion within the Ohio Company's purchase," passed March third, one thousand eight hundred and thirty-four, for the surrender of leases, and the sale and purchase in fee, of such lands, by, and to the lessees thereof, and their assignees, be, and the same are hereby extended to all assignees and owners of parts of lots, and parcels of section twenty-nine, of the Ohio Company's purchase, held by, or under lease or leases, from and under the "trustees for managing land granted for religious purposes in the county of Gallia, within the Ohio Company's purchase," on the same terms and condition of purchase, payment, and conveyance, by, and to the assignees, and owners of parts of lots, and demised premises, as are provided in the said act for lessees and their assignees; such surrender by the assignee, or owner of a part of a lot or parcel, to be made, and a certificate of purchase to be obtained in the mode hereinafter provided; and the sum or price to be paid for any such part or parts of a lot, or parcel, so demised by the assignee or owner thereof, who shall apply for a purchase, shall be ascertained and determined by a just estimate or proportion of the value of such part or parts, to the value of the whole lot or parcel demised by the original lease, as the same shall have been last legally made or fixed before the passage of this act, or by

the estimate of the value of such part or parts, as such, by the said board of trustees last before the time aforesaid.

Mode of proceeding.

SEC. 2. That any person or persons, being the assignee or assignees, owner or owners, of any such part or parts of a lot, or parcel of land, in the said section twenty-nine, demised by the said trustees, who may wish to make such surrender and purchase, may file his, her, or their petition, in, and to the court of common pleas, for the county of Gallia, therein stating and describing the premises, the part or parts of the lot or lots, and the ground proposed to be surrendered and purchased, as aforesaid, and the title and claim or right, whereby he, she, or they, holds or hold, claims or claim, the same accompanied by all proper and necessary exhibits and evidences, in support and verification of such title or claim, to which petition the said board of trustees, by their clerk or secretary, (to be brought into court by citation, or voluntary appearance,) shall be made a defendant, and such defendant or defendants, to the petition or petitioned, may likewise make any other person or persons, defendant or defendants to the petition, in any case in which it may be necessary, on account of a doubt, uncertainty, or conflict of title, or right to the premises described, and for which the application is made, in, and by the petition, in order to settle such matter or question of right or title, to the premises in question; and the said court shall, on such party or parties being duly in court, by citation or otherwise, proceed without further delay, or at such time as it may appoint, at its discretion to hear, examine, and consider the matter of the petition and application, may make any, and all necessary order or orders, for ascertaining and determining, as well the description and quantity of the part or parts, of the lot or lots, proposed by the petition to be surrendered and purchased as aforesaid, as the value and price thereof, and the sum to be paid therefor, according to the terms fixed by this act, and the act to which this is supplementary, and may also proceed to examine, hear, consider and adjust, by all, and any proper and necessary orders or decrees according to the principles of law and equity, any doubt, uncertainty, or imperfection of title or right, which may be presented, or arise as to the matter of the petition, and the right or rights, of the petitioner or petitioners, to surrender and purchase the premises so proposed to that end, by the petitioner; and the said court, on being satisfied of the right and title of the petitioner, as assignee, or owner, in and to the premises so proposed to be surrendered and purchased, or having adjusted and settled the same, by its orders and decree to that effect, and in affirmance of such right, shall, (unless some valid, legal, and insuperable objection, affecting the rights and use of the beneficiaries of the trust, in, and to the fund arising from the same, shall be interposed by the said trustees,) order and di-

rect a certificate of purchase, substantially in accordance with the certificate for the like purpose, provided for by the act to which this is a supplement, to be entered, made, and issued to the petioner or petioners, which certificate, when issued, shall be as effectual to, and confer all the rights upon the party or parties to whom the same shall be so ordered and issued, as the certificate for the same purpose of the county auditor, under the provisions of the said act to which this is supplementary; and the court may make such order or orders, in respect to the payment of the costs of such petition, and the matters arising thereunder, as to it shall seem just and equitable; Provided, that before the issuing of any such certificate, all arrears of rent, if any due on the demised premises, shall be paid or adjusted. to, and with the said trustees, or their treasurer for the time being: and Provided, further, that the said corporation and the said trustees, may, by general order, entered upon their minutes, or in each, and any instance of application under this act, or that to which this is a supplement, to surrender and purchase any of such lands, express their assent by their clerk, in writing, to such surrender and purchase. Proviso.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 17, 1854.

AN ACT

To amend the seventy-first section of the act entitled "An act to provide for the organization of cities and incorporated villages," passed March 1st, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventy-one of the above recited act, be, and is hereby so amended as to read as follows: SECTION 71. The city, council of cities of the first class, shall provide by ordinance for the election by the qualified voters thereof, or for the appointment by the mayor, of one chief of police, and so many lieutenants as they may determine, (if they deem it necessary to have any lieutenants,) and for the election, by the qualified voters of each ward, or for appointment by the mayor, of an equal number of night watchmen in each ward respectively, who shall hold their office for one

City council fo provide for election or appointment of chief of police and watchmen.

year, unless sooner removed. The city council may provide by ordinance, for the election of the officers named in this section, either on the day of the annual spring election, or at a special election, as to them may seem advisable; the aforesaid officers, before entering upon the duties of their respective offices, shall give bond with good and sufficient surety, to the satisfaction of the mayor, for the faithful discharge of the duties of such officers respectively. The mayor shall have power to remove any of the officers above named, so elected or appointed, for neglect of duty, misconduct, or other sufficient cause, and may appoint other persons to fill, for the unexpired term, all vacancies caused by such removal or otherwise. The mayor shall, at the second regular meeting of the city council in April, in each year, and at such other times as he may deem expedient, report to the city council, concerning the municipal affairs of the city, and recommend such measures as to him may seem advisable; he shall have the power to sit in the Police Court, and to perform the duties of the judge thereof; in case of the disability or unavoidable absence of the Police Judge, he shall have, within the county in which such city is situated, in all criminal cases, all the powers of a justice of the peace, but except in cases of urgency or necessity, the mayor shall not be required to sit on the examination or hearing of any criminal charge or case; and warrants issued by him shall be made returnable before some Judge of the Police Court.

Officers to give bond.

Mayor may remove.

Mayor to report.

Further duty and power.

Sec. repealed. Curwen's R. S., 1856: Curwen's Laws, 1091.

SEC. 2. That original section seventy-one of the act entitled "An act to provide for the organization of cities and incorporated villages," be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 17, 1854.

AN ACT

To amend the "Act to provide for the maintenance and better regulation of Common Schools, in the city of Cincinnati," passed January 27, 1853.

Property of colored persons taxed for school purposes in Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the seventeenth section of the act entitled, "An act to provide for the maintenance and better regulation of Common Schools in the city of Cincinnati," passed January 27, 1853, be so amended as to read as follows:

SECTION 17. The property of all colored persons in said city shall be listed and taxed for school purposes in the same manner as the property of other persons, and separate schools shall be established for the education of the colored children of said city, in such districts as the board of trustees and visitors of common schools shall, from time to time establish for that purpose; and the district schools so established, shall be conducted under the control and management of three directors in each of said districts, who shall be elected annually in the month of June, by the said board of trustees and visitors of common schools, at a regular meeting, from among the colored people resident in such districts respectively, and who shall take an oath of office. Said directors shall hold their office one year, or until their successors shall be elected and qualified, and vacancies in their number shall be filled by said trustees and visitors, and said directors shall have the care and management of the schools and school property of their respective districts, appoint teachers, and regulate their salaries, regulate the course of studies and text books, fix and determine the times and duration of such schools, and the vacations thereof, provide suitable accommodations, furniture and fuel, &c., for their due maintenance, and perform all the duties necessary for keeping up such schools, and for the government and instruction of the colored children of their respective districts in such schools; said directors shall cause a record of their proceedings to be fairly kept in books, which they shall provide for that purpose, and transmit to their successors; and said directors shall render accounts monthly, in detail, of all their expenditures or liabilities, to the said board of trustees and visitors of common schools, and if approved by said board, the same shall be paid, upon the order of said board, out of the fund for colored schools provided by this act; and so much of the school funds of said city, as upon an equal distribution of the same *per capita* under any enumeration required by this act, would fall to the share of the colored children of said city, as ascertained by any such enumeration, shall be appropriated as a fund, subject to the order of said board of trustees and visitors, for the support of said schools for colored children; *Provided*, That no person shall be employed or paid, directly or indirectly, as teacher or instructor, in any of said schools, until he or she shall first have obtained from the board of examiners created by this act, a certificate of qualification, as to his or her competency and moral character.

Colored schools to be separate.

Duty of directors.

Board of trustees, and visitters to control school funds.

Proviso.

SEC. 2. That the original section seventeen of the act of which this act is amendatory, be and the same is hereby repealed.

Sec. repealed. Curwen's R. S., 2278; Curwen's Laws, 1479.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
April 18, 1854. *President of the Senate.*

AN ACT

To authorize the Secretary of State to contract for copies of a new revised edition of Swan's Statutes of Ohio.

Secretary to contract for Swan's Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Secretary of State is hereby authorized and directed to contract, on behalf of the State, with H. W. Derby, of Cincinnati, for five thousand copies of his new revised edition of Swan's Statutes of Ohio, at a price not exceeding two dollars and a half per copy; *Provided*, nevertheless, that the contract aforesaid, shall be made upon the terms and conditions following, to wit:

Conditions of contract. First.

First. The work shall be executed from stereotype plates, in the style of the work recently filed by said H. W. Derby, with the Secretary of State, and shall contain, in alphabetical arrangement, under proper heads, all the laws of a general nature now included in said work, and which may not be repealed at the present session, as well as all the laws of a general nature, which shall be passed at the present session of the General Assembly. The work shall contain the Constitution of the United States, (the old,) and the (present) Constitution of the State of Ohio, and the naturalization laws of the United States.

Second.

Second. The said Derby shall stipulate, with good and sufficient security, to furnish the State with any additional copies of the work, that the State may from time to time require, at a price not exceeding two dollars and fifty cents per copy, and in all respect like the foregoing.

Third.

Third. The said Derby shall execute to the State a conveyance of the stereotype plates, from which the present edition of said work shall be printed, for the purpose of securing to the State, the publication of such copies thereof, as may hereafter be needed, in like form with those hereby purchased.

Fourth.

Fourth. That before the Secretary of State shall pay for said work, it shall be submitted to the examination of the Attorney General; and upon his decision that it is edited, printed and bound, in all respects in accordance with the contract, shall be paid for by the Secretary.

Fifth.

Fifth. That said Derby shall deliver the number of copies of said work, for which the Secretary of State is hereby directed to contract, within four months after the passage of this act, to the Secretary of State for distribution.

SEC. 2. This act to take effect from and after the passage thereof.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 18, 1854.

AN ACT

To amend the act entitled, "An act to provide for draining and re-claiming the swamp and overflowed lands granted to the State of Ohio, by act of Congress, approved September 28, 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the ninth section of the act to which this is amendatory, be so amended as to read as follows: SECTION. 9. That if after the said swamp or overflowed lands of this State, lying within any county, be drained and re-claimed as herein provided, there shall remain any of the said lands undisposed of, it shall be the duty of the county commissioners of such county, to appraise the same and make return of such appraisal as aforesaid; upon the filing of such return in his office, the said county auditor is hereby authorized to sell the said lands at the appraised value thereof, to any applicant therefor, who will make an oath or affirmation that it is his intention to improve and make the same a permanent residence, or that the same adjoin to and are necessary to the proper improvement of lands then owned and improved by such applicant, which said oath or affirmation, the said county auditor is hereby authorized to administer; and in all cases of sales as prescribed in this section, the said county auditor, shall receipt to the purchaser for the amount of money received, and described therein the lands sold, which said receipt, upon presentation and delivery to the Governor, shall entitle the purchaser to a patent for such lands, to be executed and recorded as prescribed by sections seven and eight of the act to which this is an amendment: Provided, that such of said swamp or overflowed lands as are incapable of being drained and re-claimed, may be sold without the oath or affirmation hereinbefore required.

Section of act providing for the sale of re-claimed lands, modified.

Duty of Commissioners and Auditor.

Proviso.

SEC. 2. That the ninth section of the aforesaid act be, and the same is hereby repealed.

Section repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

Curwen's R. S., 2151; Curwen's Laws, 1361.

April 25, 1854.

AN ACT

Supplementary to the act entitled, An act to provide for compensation to owners of private property, appropriated for the use of corporations, passed April 30, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases arising under the provisions of the act to which this is supplementary, the party, whose

Mode of proceeding in court.

Curwen's R. S., 1818; Curwen's Laws, 1056.

property is sought to be appropriated for the use of any corporation, by proceedings before the probate court, provided for in said act, shall be considered to hold the affirmative; and if any argument shall be offered to the court and jury, before whom such proceeding is had; after the closing of the testimony on both sides, the said party shall be entitled to have the opening argument, and if the corporation seeking to appropriate the property of such party, offer an argument in reply therto, the said party shall be entitled to have the closing argument.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 25, 1854.

AN ACT

To regulate the fees of Justices of the Peace and Constables.

Fees of Justices of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all Justices of the Peace of this State shall, for services rendered, as hereinafter specified, be entitled to the following fees, to wit: For summons, each person named in the writ, fifteen cents; for order of arrest, capias, writ of attachment, writ of replevin or mittimus, twenty-five cents each; for every subpœna, for one person, fifteen cents; for each person in addition, five cents; for venire for jury, twenty-five cents; for issuing execution, twenty-five cents; for warrant in criminal cases, each person named in the writ, twenty-five cents; for every search warrant, twenty-five cents; for writ of restitution, twenty-five cents; for taking and certifying affidavit, twenty-five cents; for order on jailor for prisoner or prisoners, twenty-five cents; for entering a discontinuance or satisfaction, ten cents; for entering into bond or undertaking by either party, twenty-five cents; for filing papers necessary to be preserved by justice, five cents each; for each recognizance of bail in civil cases, twenty-five cents; for bill of exceptions and copy, ten cents for each one hundred words; for certifying the same, twenty-five cents; for transcript from docket, ten cents per one hundred words; for certifying the same, twenty five cents; for appointing guardian for minor, to prosecute suit, ten cents; for appointing special constable or appraisers, twenty-five cents each; for taking recognizance of a witness, twenty-five cents; for each additional witness, ten cents; for each recognizance of bail in criminal cases, twenty-five cents; for every continuance or adjournment by either party, ten cents; for entering a rule of referance, or

copy thereof, ten cents; for swearing witnesses or arbitrators, five cents each; for entering judgment, twenty-five cents; for acknowledgment of a deed or other instrument of writing, with a certificate thereon, twenty-five cents; for setting in cases of forcible detainer, seventy-five cents; for trying a jury case, seventy-five cents; for transferring judgment on docket, ten cents; for taking deposition, ten cents per one hundred words; for certifying the same, twenty-five cents; for marrying and making return, one dollar and fifty cents; for taking and certifying proof of any account or claim against the estate of testators or intestates, fifteen cents; for each process required by law, not herein named, twenty five cents; for every writing or record, not being provided for, ten cents per hundred words.

Fees of Constables.

SEC. 2. That all constables in this State, duly elected and qualified, shall, for services rendered as hereinafter specified, be entitled to receive the following fees, to wit: For service and return of copies, order of arrest, warrant, attachment, garnishee, writ of replevin, or mittimus, twenty-five cents each, for each person named in the writ; service and return of summons, fifteen cents for each person named in the writ; service and return of subpœna, fifteen cents for one person; for service on each additional person named in subpœna, ten cents; for service of execution on goods or body, twenty-five cents; for all money made on execution, four per cent.; for every day's attendance before Justices of the Peace, jury trial, seventy-five cents; for every day's attendance before Justices of the Peace, criminal trial, seventy-five cents; for every day's attendance before Justices of the Peace in forcible detainer, without jury, fifty cents; for summoning jury seventy-five cents; for mileage, ten cents for the first mile, and five cents per mile for each additional mile; for assistants in criminal cases, one dollar per day each; for transporting and sustaining prisoners, allowance made by the magistrate, and paid on his certificate; for serving all other writs or notices not herein named, twenty-five cents, and mileage as in other cases; for copies of all writs, notices, orders, or affidavits served, fees the same as allowed for issuing the same; for summoning and swearing appraisers in cases of replevin and attachment, one dollar in each case; advertising property for sale on execution, twenty-five cents; for taking bond in replevin and all other cases, fifty cents each; for every day's attendance on the grand jury, one dollar.

Sections repealed.

SEC. 3. Sections seven and eight of "An act to regulate the fees of officers in civil and criminal cases," passed March 5, 1831, and all acts and parts of acts conflicting with this act be and they are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the first day of June, A. D. 1854.

Curwen's R. S., 2388; Curwen's Laws, 212.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 25, 1854.

AN ACT

To require the preservation of Newspapers, Periodicals and Pamphlets, in the State Library.

Duty of State Librarian, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the State Librarian, annually, to cause to be bound in a substantial manner, all newspapers, periodicals and pamphlets, that may be received or deposited in the State Library. So far as practicable, the consecutive numbers of each newspaper or periodical received at, or furnished to the Library, shall be bound together, but two or more newspapers or periodicals, may be bound in the same volume, and the volumes shall be bound up in such convenient size, as the Librarian shall prescribe. All pamphlets received at, or furnished to the Library, shall be classified and bound in such order as the Librarian shall prescribe. The expenses arising under this act, shall be audited, and paid out of any money appropriated for the State Library. All newspapers, periodicals and pamphlets, received at or furnished to the State Library, and all volumes bound as herein required, shall be carefully kept in the State Library.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 25, 1854.

AN ACT

To amend an act entitled "an act defining the jurisdiction, and regulating the practice of Probate Courts," passed March 11th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections forty-nine, fifty and fifty-two, of an act defining the jurisdiction and regulating the practice of the probate courts, passed March 14, 1853, be, and the same are hereby so amended as to read as follows; Section 49. One

hundred and eighty judicious persons, having the qualifications of electors shall be annually selected in each county, to attend as jurors in the probate court, in the manner prescribed by law, for the selection of jurors to attend the court of common pleas; and such separate list shall be delivered to the probate judge by the trustee or judge of election, at the same time the list for the court of common pleas is required to be delivered to the clerk of that court, and the persons named in the list delivered to the probate judge, shall serve as jurors. in the probate court, under the provisions of this act; *Provided*, that prior to the selection and return of such jurors for the year 1854, as provided by law, said probate court shall cause to be summoned for each term, the proper number of persons, having the required qualifications, to serve as jurors for such term.

Manner of selecting jurors.

Proviso.

SEC. 2. Section 50. The names of the persons selected to serve as jurors in the probate court, shall be written on separate pieces of paper, and deposited in a box, to be provided at the expense of the county; and at least ten days before a term of the probate court, unless by a written entry in his minutes, the judge shall dispense with or postpone the attendance of a jury, he shall, in the presence of the sheriff of the county, proceed to shake the box and draw therefrom twelve ballots, and shall forthwith deliver a list of the jurors drawn, to the sheriff, deputy sheriff, or a constable of the county, with an endorsement thereon, signed by him with his name and seal of office, to the following effect: A. B., sheriff (or deputy sheriff, or constable) of the county of——— to which this is delivered, is required to summon the persons named in the within list, to appear before me at ———, (naming the place) on (naming the day and hour,) to serve as jurors at a probate court, to be then and there held, dated at ———, the [———] day of ———, 18———.

Manner of drawing for jurors by the probate judge.

Shall deliver list of drawn jurors to sheriff or constable.

Endorsement.

SEC. 3. Section 52. Each party shall be entitled to two peremptory challenges, and such other challenges for cause, as the probate judge may allow, and if twelve jurors do not attend, or be not obtained, the judge may direct the sheriff, or other officer in attendance, to summon any of the by-standers, or others who may be competent, against whom no sufficient cause of challenge shall appear, to act as jurors. When twelve jurors appear and are accepted, they shall constitute the jury. The failure to attend by any person, when duly summoned, shall be punished as in like cases in the court of common pleas, and the jury, when sworn or affirmed, shall hear the proofs of the parties, which must be delivered in public, and in the presence of the defendant.

Challenge.

By-standers summoned.

Failure to attend—how punished.

Sections repealed. Curwen's R. S., 2049, Curwen's laws, 1275.

SEC. 4. That the original sections, forty-nine, fifty, and fifty-two, of said act, be and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate

April 26, 1854.

AN ACT

Providing for the appointment of officers of the Ohio Penitentiary, fixing their compensation, prescribing their duties, and determining the manner of working Convicts.

Directors—how appointed and term of office.

Who are not eligible to the office of director.

Removal.

Reasons of removal.

Term of office—how determined.

Oath.

Vacancy—how filled.

Compensation and how paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be appointed by the Governor, by and with the advice and consent of the Senate, three directors of the Ohio Penitentiary, one of whom shall hold his office for the term of two years, one for the term of four years, and one for the term of six years, and until their successors are appointed and qualified; but no person shall be eligible to the office of director who is a contractor in the Penitentiary, or interested directly or indirectly, in any branch of business carried on in said institution; and should any director become interested, either directly or indirectly, in any business carried on in said institution, during his term of office, it shall be good cause for his removal; and upon information given of such fact, or for other cause, which, in the opinion of the Governor, is sufficient, the Governor is hereby authorized and required to remove such director. Which removal and the reasons therefor, he shall cause to be entered upon the journals of the Penitentiary, and shall report the same to the next session of the General Assembly. The said directors first appointed under this act, to hold their offices according to the rotation in which their names are presented to the Senate; the first named for two years, the second for four, and the third for six years respectively. Each of whom before entering upon the duties of their office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of the State of Ohio, and to faithfully and diligently discharge the duties of such director. In case of a vacancy in said board of directors, by death, resignation, or otherwise, during a recess of the Senate, the same shall be filled by the Governor, until the next meeting of the General Assembly. Said directors to receive three dollars per diem, for the time actually employed in the discharge of their duties, to be paid out of the Treasury of the State, on the certificate of the Warden, that said services have been performed.

President of board—how chosen, and duties.

SEC. 2. At the first meeting of the board of directors under this act, they shall choose one of their number as president of the board, whose duty it shall be to visit the institution every two weeks, examine the workshops, cell, rooms, and the books and vouchers of the Warden, and enter the result of his investigation in a book called a journal, to be provided for that purpose. And after the expiration of the term of appointment of the first president, as director, then the oldest member of the board shall thereafter act as president during his term of office. It shall be the duty of all the directors to meet at the office of the penitentiary every three months, to make a quarterly settlement of the accounts of the Warden, and inspect the various departments and shops of the institution, and record the result of their investigation in the journal, signed by each member present, if all shall be agreed. If otherwise, the opinions of the dissenting members shall also go on record.

Meeting of directors.

Warden—how appointed—term of office.

SEC. 3. The directors shall appoint a Warden, who shall hold his office for the term of two years, unless sooner removed by the directors; but in case of removal, the reasons therefor shall be entered on the journal of the institution.

Oath and bond.

The Warden shall take an oath or affirmation, faithfully to discharge the duties of his office, and give bond to the State of Ohio, in the sum of ten thousand dollars with at least two good and sufficient freehold securities, to be approved by the directors, conditioned for the faithful performance of the several duties which are hereby, or which may from time to time be required of him by law; which said bonds shall be deposited with the Treasurer of State.

Power to appoint deputy, &c.

The Warden, by and with the advice and consent of the directors, shall have power to appoint a deputy, clerk, and such number of assistant keepers as the directors may deem necessary, all of whom shall take an oath or affirmation, faithfully to discharge their duties, and give bonds to the State of Ohio; the clerk and deputy Warden in the sum of two thousand dollars each, and the assistant keepers in the sum of five hundred dollars each, with security, to be approved by the directors, which bonds shall be deposited with the Treasurer of State. All the above officers shall be subject to such by-laws and rules as may be prescribed by the directors for the government of the prison. The directors shall also appoint a physician, who shall attend to all the cases of sickness among convicts, reside near the penitentiary, and receive as a compensation for his services, a sum not exceeding eight hundred dollars per annum.

Salary of the Warden, clerk &c.

SEC. 4. The warden shall receive an annual compensation for his services, not exceeding twelve hundred dollars, to be fixed by the board of directors. The clerk shall receive an annual compensation for his services, not exceeding eight hundred dollars. The deputy warden shall receive an an-

nual compensation for his services, not exceeding seven hundred dollars, and each assistant keeper shall receive a compensation not exceeding thirty-five dollars per month, except the night watch, who may receive forty dollars per month, to be determined by the directors. That no person so employed shall be entitled to, or receive any perquisites, in the shape of board, provisions, carriages or horses, or otherwise, either for themselves or families.

No perquisite allowed.

Chaplain's compensation and duty.

SEC. 5. It shall be the duty of the directors to appoint a chaplain of the Ohio Penitentiary, who shall hold his office during the pleasure of the directors, and who shall receive an annual salary of seven hundred dollars, to be paid quarterly, out of the visitor's fund, on the order of the directors. The chaplain shall be a regularly ordained minister of the gospel, in good standing in some one of the denominations of this State, who shall be competent to teach the first rudiments of an English education, and who shall reside in or near the Penitentiary, and devote his whole time and ability to the interest of the convicts confined therein, and shall in addition to his clerical services, teach such of the convicts as he and the warden may select, the art of reading, writing, arithmetic and geography, at such hours as may be found most conducive to the interests of the institution.

Duty of Warden to make contracts for benefit of convicts.

SEC. 6. It shall be the duty of the warden to make such arrangements with the contractors who now have contracts for convict labor, and so to make all future contracts, as will permit the convicts to have a certain amount of labor allotted to them each day for a day's work, and the time so gained after the performance of the task, may be occupied in attending the prison school, or in labor for the contractors, at such prices as may be agreed upon by the warden, directors, convict and contractor, the money so earned to be collected by the warden for the convict, the same as moneys due the institution from the contractors, (with the exception of three month's credit,) and the warden shall permit the convict to send the amount so earned to his family, or retain it in the office of the institution, for the use of the convict when his term expires; and in case the warden is dismissed, or dies, or resigns before the expiration of the sentence of the convict, who has funds in his hands, he shall account for the amount the same as for the funds of the institution in his possession. And an accurate and detailed account of all such moneys received, from whom, the time when, the amount received, and to whom payable, shall be kept by said warden, in a book to be provided for that purpose.

Classification of convicts.

SEC. 7. The warden is hereby authorized and required, so far as practicable with existing contracts, (and all contracts hereafter made for convict labor, shall so provide,) to classify the convicts according to their age and disposition; placing all young men under twenty-one years of age, (un-

less the conduct of some shall forbid it,) in a shop or shops by themselves, and give them such work as will be most beneficial to them when discharged; and persons convicted of the higher crimes, or who shall be convicted a second time of penitentiary offences, or whose conduct may require it, shall be worked in a shop by themselves, at such employment as the warden may deem most fitting for them, or profitable to the State.

Articles for prison, by whom purchased.

SEC. 8. The warden shall attend to the purchasing of all articles for the institution, clothing, provisions, medicines, material for building or repairs, or raw material to be manufactured in the penitentiary, shall have in charge the whole operations of the institution, and shall be its executive officer.

Warden shall certify to State Auditor.

SEC. 9. The warden of the penitentiary shall, within five days after the close of each month, file with the Auditor of State, a certified statement, in which shall be set forth the names of the several contractors for prison labor, the amount due from each, at the close of the next preceding month, and the particular class of labor on which said contract was based; and upon receiving such certified statement, the Auditor of State shall forthwith issue to the Treasurer of State, his draft on the several persons from whom such money is due, and the Treasurer of State shall cause the same to be immediately presented and paid, and shall prepare and deliver triplicate receipts therefor, one of which shall be for the use of the person by whom the money is paid, and one each, to the Auditor of State, and warden of the penitentiary.

Shall pay money into State Treasury.

SEC. 10. All moneys due the institution, arising from sources other than those specified in the next preceding section, shall be paid to the warden, who shall pay over the same to the Treasurer of State, at the close of each month, and such moneys shall be certified into the treasury in the same manner that other moneys are certified into the treasury; and for all moneys so paid over by the warden, duplicate receipts shall be given, one of which shall be forthwith deposited with the Auditor of State, and the other retained by the warden. A full and detailed statement of all such moneys received, and paid over to the Treasurer of State, shall be made out by the warden, at the close of each quarter of the year; such statement shall set forth the several amounts received, from whom, at what time, and on what account, and shall be immediately deposited with the Auditor of State.

Statement of amount paid over.

Claims against prison, how adjusted and paid.

SEC. 11. All accounts for claims against the penitentiary, for salaries, provisions, clothing, medicines, repairs, buildings, fuel, &c., shall be certified by the warden, countersigned by the clerk, and endorsed on the back, "approved," by at least one of the directors, and presented to the Auditor of State, who shall examine and adjust the same, and if

found correct, shall issue bills, payable at the State Treasury, for the sums which shall be found due, specifying in each bill, the date of its issue, the name of the person to whom payable, and the appropriation from which it is to be paid.

Contracts for provisions &c.

SEC. 12. All contracts for provisions, clothing, medicines, forage, fuel, building, or repairs, where the amount shall exceed the sum of two hundred dollars, shall be given to the lowest bidder. No bid herein authorized, shall be received, or contract made, in pursuance thereof, unless the same be reasonable, and not greater than the usual market value and price. So far as possible, the letting of contracts shall be let out as herein provided for, but no other contracts shall be let to run more than six months, nor shall any contract be valid, until approved by the Auditor and Attorney General. Notice of the time and place of letting each contract, shall be given for at least two consecutive weeks, in two daily newspapers in Columbus, and in one of the weekly papers, published in each of the counties adjoining Franklin county, and in such other papers as the warden may deem expedient; and where any two bids shall be equal, the warden may select any one of them, as the person who shall have the contract, and each contractor shall give bond and security to the satisfaction of the directors, for the faithful performance of his contract.

Contracts for working convicts.

SEC. 13. All contracts for working convicts, shall be given to the highest reputable bidder, the letting of which the directors shall give at least six weeks notice, in two daily or weekly newspapers published in the city of Columbus, two in the city of Cincinnati, and one in the city of Cleveland; and all contractors shall be required by the directors, to give security to the State, for the faithful performance of their contracts, in such amounts, as the directors in their judgment may think proper and right.

SEC. 14. Convicts may be hired, in any number not exceeding fifty in one contract, and for any term not exceeding five years, in such manner as the directors in their judgment, may think most conducive to the interest of the State.

Duties of Directors.

SEC. 15. The directors shall, in company, every three months, inspect the warden's accounts, the different departments of the prison, and the condition of the prisoners, and shall have power to regulate, and fix the appointment, duties, and salary, of all officers or agents of the penitentiary, not otherwise provided for by law, and annually, on or before the 15th day of November, submit to the Governor of the State, a report of the condition of the prison, together with suggestions, as to the improvement that may to them appear necessary.

Duties of Directors and Warden.

SEC. 16. The directors and warden of the penitentiary shall, from time to time, establish by-laws, rules and regulations for the discipline and government thereof, and the

warden, for himself and assistants, shall be held responsible for the observance and enforcement of such by-laws, rules and regulations: Provided, always, that such by-laws, rules and regulations, shall not be contrary to law, and the directors shall submit such by-laws, rules and regulations, to the Legislature, at each regular session thereof. Provided, always, that nothing in this act shall be so construed as to prevent officers of the Ohio Penitentiary, from holding their respective offices until their successors in office shall be appointed and qualified.

Repealing.

SEC. 17. The act providing for the appointment of officers of the Ohio Penitentiary, passed April 26, 1852, is hereby repealed.

Curwen's R. S., 1808; Curwen's Laws, 1046.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 26, 1854.

AN ACT

To amend an act to provide for the organization of cities and incorporated villages, passed May 3d, 1852, and supplementary and amendatory to an act to provide for the organization of cities and incorporated villages, passed March 11, A. D. 1853.

Act modified.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the seventy-third section of the act entitled an act to provide for the organization of cities and incorporated villages' passed May the third, one thousand eight hundred and fifty-two, be so amended as to read as follows: Section 73. The city marshal shall execute all process to him directed by the mayor or judge of the police court, and shall by himself or deputy, attend on the sittings of said court to execute its orders and process, and to preserve order therein. He shall have power to appoint one or more deputies, for whose official acts he shall be responsible, and by whom he may execute all process or orders to him directed, He shall have power by himself or deputy to execute all such process in any part of the county in which such police court is situated. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to that end may call upon the citizens to assist him, to apprehend all persons in the act of committing any offense against the laws of this State or the ordinances of the city, and them forthwith to bring before the proper authority for examination or trial. He shall have power to pursue and arrest any person fleeing from justice

Duty of City Marshal.

May appoint deputy.

Jurisdiction.

Shall suppress riots, &c.

May pursue criminals.

in any part of the State, and to receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from any other places or States. He shall have, in the discharge of his proper duties, like powers, to be subject to like responsibilities and shall receive the same fees as sheriffs and constables, in similar cases, for services actually performed by himself or deputies, but in no case shall he receive any fees, or compensation for services rendered by any watchmen, or other officer; nor for guarding, safe keeping, or conducting into the presence of the court, any person arrested, either by himself or deputies or by any other officer, shall he receive a greater compensation than twenty cents, and all fees, fines, penalties, and costs by him collected, shall be paid over to the clerk of the police court when collected.

Powers and compensation.

Amount of compensation.

Act modified

Power and duties of City Council.

Jury fees in Police Courts.

How paid.

Duty of the keeper of city prison.

costs how paid.

Act modified.

Compensation of police judge.

SEC. 2. That section eighty-two of said act, in the foregoing section mentioned, be so amended as to read as follows: Section. 82. The city council shall have power to erect, establish and maintain a city prison, which shall be in the keeping and under the control of the city marshal, under such rules and regulations as the city council shall prescribe. The city council of such city shall provide one or more watch or station houses, and shall also provide suitable rooms for the holding of the police court. They shall provide by ordinance, for the summoning and impanneling of juries, so as to secure a fair and impartial trial, and the jurors in said court, shall be entitled to receive the same fees as in trials of a like nature before the court of common pleas, to be audited by the proper officer, on the presentation of the proper certificate of the clerk of the police court, and paid in city cases, out of the city treasury, and in State prosecutions out of the county treasury, which shall be taxed against the city or State as the case may be, when the accused shall be acquitted, and against the defendant or defendants in cases of conviction. It shall be the duty of the keeper of the city prison, watch and station houses, to provide all persons confined therein for any offense, with necessary food during their confinement, and the costs thereof, not exceeding twenty-five cents per day, to each person, shall be returned to the court, and if approved by the judge, shall be paid and taxed in like manner with the jury fees hereinbefore provided for; or the city council may provide by ordinance for sustaining all such persons at the expense of the city, and shall in such case allow to the marshal such reasonable compensation for guarding such person as may be proper.

SEC. 3. That section eighty-four of said first mentioned act, to which this is amendatory, be so amended as to read as follows: Section. 84. The judge of the police court shall receive no fees or perquisites whatever, but shall receive such annual compensation, to be paid quarterly, out of the city treasury, not to exceed two thousand dollars, as the city

council shall prescribe, and such further compensation, payable out of the county treasury, not to exceed eight hundred dollars, as the county commissioners may deem right and proper. *Provided*, That nothing in this section contained shall be construed to prohibit the said judge from taking acknowledgments of deeds, depositions and affidavits in cases wherein he is now allowed by law to perform such duties, and receiving therefor the same fees allowed to justice for like services. Proviso.

SEC. 4. That section twenty-five, of the act entitled "an act to amend an act to provide for the organization of cities and incorporated villages," passed March the eleventh, A. D. one thousand eight hundred and fifty-three, be so amended as to read as follows: Section 25. The police court shall always be open for the dispatch of business, but may adjourn from day to day, or from time to time; and the mode in which cases shall be brought before the court, shall be fixed by the ordinance of the city council, or a rule of the police court; the jurors in said court shall have the qualifications of jurors in the court of common pleas, and shall be summoned and impanneled in accordance with an ordinance of the city council, or in case the city council should have failed to pass such ordinance, in accordance with a rule of court, and the said court shall have power to compel the attendance of witnesses, jurors and parties. The police judge shall adopt such rules of practice and procedure as will give all parties a proper statement of any charge against them, and full opportunity of being heard; but shall, at the same time, dispatch the business with all convenient speed, and all rules of the court shall be written or printed, and posted in the room in which the police court holds its sittings. There shall be a clerk of the police court, who shall perform like duties as the clerk of the court of common pleas in like cases, and who shall hold his office for the term of three years, and until his successors is elected and qualified. Any clerk of any police court heretofore elected under the provisions of the act to which this is amendatory, shall continue in office until the expiration of the term for which he was elected and until his successor is elected and qualified, and the clerk of said court shall be elected on the first Monday in April in every three years, under the same rules and regulations by which other municipal officers are elected. He shall, before entering upon the duties of his office, take an oath to support the constitution of the United States, and of the State of Ohio, and faithfully, diligently, and impartially to discharge the duties of his office, and he shall execute bond with sufficient surety to the city, and to the county commissioners of the county in which such court is situated, in such sum as the city council of such city, and the county commissioners of such county shall prescribe, conditioned

Act modified.

Police Court.

Jurors in said court.

Power of said court in certain cases.

Rules of practice, &c.

Clerks of Police Courts.

Term of office.

Day of election.

Oath.

Bond.

for the faithful performance of the duties of his office. He shall receive for his services in city cases, a fixed salary or compensation, to be prescribed by an ordinance of the city council, and for State cases prosecuted in said court, such further allowance not to exceed eight hundred dollars, as the county commissioners of such county shall deem right and proper. He shall have power to administer oaths, and to appoint two or more deputies, to be approved by the city council, who shall receive such reasonable compensation, not exceeding eight hundred dollars per annum, as the city council shall prescribe. In case of the temporary inability of the clerk to perform the duties, where no deputy shall have been appointed, the police judge may appoint some competent person, who shall give bond to the satisfaction of the judge, and take the oath prescribed in this section, and shall perform all the duties and have all the powers imposed upon the said clerk, and be paid out of the city treasury, on the order of the city council, at the same rate as the clerk is paid for similar services: *Provided*, That such appointment shall be valid only until the disability of such clerk may be removed. The clerk of said court shall not be concerned as counsel or agent, in the prosecution or defense of any case before said court.

Salary.

Powers.

Compensation of deputy.

Deputy appointed by the judge in certain cases.

Powers, duties and compensation.

Proviso.

Pros. Att'y of police court.

Election.

Term of office.

Oath.

Duties.

Salary.

SEC. 5. The prosecuting attorney of any police court, heretofore elected, shall hold his office for the term for which he was elected, and until his successor is elected and qualified, and there shall hereafter be elected by the qualified voters of any city in which a police court has been established, on the first Monday in April, one thousand eight hundred and fifty-five, and on the first Monday in April every two years thereafter, a prosecuting attorney of such police court, who shall hold his office for two years, and until his successor is elected and qualified. And in like manner there shall be elected by the qualified voters of every city, in which a police court may hereafter be established, under the provisions of the acts to which this is amendatory, a prosecuting attorney for such police court, who shall hold his office for two years, and until his successor is elected and qualified. The prosecuting attorney of every such police court, that is or may hereafter be established, before entering upon the duties of his office, shall take an oath to support the constitution of the United States, and of the State of Ohio, and that he will faithfully, and impartially discharge the duties of his office. It shall be his duty to prosecute all city and State cases, brought before said court, and he shall generally perform like duties as far as the same are applicable to such police court, as are required by prosecuting attorneys of this State; and he shall receive for his services in city cases, such salary, to be paid out of the city treasury, as the city council shall prescribe; and the county commissioners of any

county in which such police court is, or may be established, shall allow him such further compensation not to exceed eight hundred dollars, for his services in state cases, as may be deemed right and proper, which shall be paid out of the county treasury.

Fees in police court.

SEC. 6. The fees in said police court shall be the same in all State cases, as are, or may be allowed by law to justices of the peace; or in the probate court in like cases, and in city cases, such fees, not exceeding fees for services of a like nature in State prosecutions, as the council shall by ordinance prescribe. The clerk of the police court shall, on the first day of every month, or within three days thereafter, account under oath for all fines, penalties, fees, and costs imposed by said court in city cases, with the city auditor, and in State cases with the county auditor, and shall pay into the city and county treasuries respectively, the amount then received by him, and if there be any surplus of such fees collected for the city, after the payment of the expenses of said police court, required to be paid by such city, such surplus shall be appropriated by the city council for the benefit of common schools in such city.

Clerks shall account under oath for all fines, &c.

Common schools.

Witness fees.

SEC. 7. Witnesses in the police court shall be allowed the same fees in cases arising from a violation of the ordinances, as are allowed in like cases before justices of the peace, and which shall be paid in the same manner; and in State cases [the same fees,] which shall be paid in the same manner as in like cases in the Court of Common Pleas.

Clerks shall preserve information, &c.

SEC. 8. The clerk shall file and preserve all informations, process, motions and papers of every description, used or offered to be used in said court, and shall keep a journal of all the doings of the court, which shall be read each day, and if necessary, corrected by the order of, and signed by the judge, and in all cases where final judgement is given said journal entry of each case with the papers filed, shall be deemed the record of that case. In cases where the police court are required to recognize the defendant to appear before any other court, the examination shall be recorded as is required of justices of the peace in like cases.

Act modified.

SEC. 9. That section twenty-four, of the act, entitled "An act to provide for the organization of cities and incorporated villages," passed May 3, 1852, be so amended as to read as follows: They shall have power to restrain, and regulate the running at large, of cattle, horses, swine, sheep, and other animals within the limits of the corporations; and to authorize the distraining, impounding, and sale of the same, for the penalty imposed by any ordinance or regulation thereof, and the cost of the proceeding; to prevent the running at large, of dogs, and injuries and annoyances therefrom, and to authorize the destruction or the same, when at large, contrary to any prohibition to that effect.

Power to regulate and restrain the running at large cattle, &c.

Act modified.

SEC. 10. That section ten, of an act to amend an act, entitled "An act to provide for the organization of cities and incorporated villages," passed March 11th, 1853, be so amended as to read as follows: The city council of any city, may provide by ordinance, for the appointment of a suitable number of inspectors, for all such purposes as are not provided for by law, who shall hold their offices for the term of three years; and the said council shall have the power to provide for issuing licenses to such inspectors, and to regulate the fees to be paid to them for their services.

Inspectors.

Acts repealed. Curwen's R. S., 1856, 1859, 1860, 1842; Curwen's Laws, 1092, 1094, 1095, 1079. Curwen's R. S., 2156, 2162; Curwen's Laws, 1365, 1372.

SEC. 11. That the original sections, seventy-three, eighty-two, eighty-four, and twenty-four, of the "act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and sections ten and twenty-five, of the act to amend the "act to provide for the organization of cities and incorporated villages," passed March 11th, 1853, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 28, 1854.

AN ACT

To authorize the Board of Public Works to sell the lands belonging to the State of Ohio, lying near the Mercer county Reservoir, in the counties of Mercer and Auglaize.

Board of Public Works authorized to sell certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Board of Public Works, be, and are hereby authorized to sell at the town of Celina, in the county of Mercer, at public auction, and to the highest bidder, all the lands belonging to the State of Ohio, and in the vicinity of the Mercer county reservoir, and lying in the counties of Mercer and Auglaize, after giving sixty days notice of the time and place of such sale, in the Celina Standard, Auglaize Republican, Greenville Journal, Ohio Statesman, and Ohio State Democrat: *Provided*, That if any portion of said lands should remain unsold, at the time of first offering the same for sale, it shall be the duty of said Board to cause the same to be advertised and offered for sale from time to time, in the same manner as directed in this act until all of said lands shall be sold.

Board to issue certificate, &c.

SEC. 2. That said Board or any member thereof, shall, upon the sale of any part of said lands, and upon the payment of the purchase money, by the purchaser of such land, issue to such purchaser, a certificate containing a description of the lands so sold, the price at which sold, and a receipt for the payment of the purchase money; and shall also,

forthwith certify to the Auditor of State the quantity of land so sold, the price at which sold, and to whom sold, and shall forthwith pay to the Treasurer of State all money so received from the sales of any portions of said lands which shall be credited to the sinking fund, and said Board, or the member making such payment, shall take duplicate receipts from the Treasurer of State for the money so paid, one of which shall be immediately deposited with the Auditor of State, and the other in the office of the Board of Public Works.

Money to be credited to sinking fund.

Duplicate receipts to be taken, &c.

SEC. 3. That upon the filing, by the purchaser, of any of said lands, in the office of the Auditor of State, the certificate of purchase, as aforesaid, it shall be the duty of the Governor of the State of Ohio, to make out and deliver to such purchaser a deed in fee simple, for the lands so described in said certificate, in accordance with the provisions of an act entitled, "an act to provide for the increase of the canal fund by the purchase and sale of real estate," passed February 7th, 1826.

To certify to Auditor of State.

Auditor of State to make deed.

SEC. 4. That should it become necessary, for the purpose of ascertaining the quantity and boundary of any tract or tracts of said land, said Board are hereby authorized to employ a competent surveyor, at a price not to exceed two dollars and fifty cents per day, to survey and ascertain the boundaries and quantity of any of said land so sold as aforesaid.

Board to employ surveyor.

His duties and compensation.

F. C. LEBLOND,
Speaker of the House of Representatives,
JAMES MYERS,
President of the Senate.

April 25, 1854

AN ACT

To regulate the making of cellars, excavations and foundations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if the owner or possessor of any lot of land, in any city, or incorporated village, in this State, shall dig, or cause to be dug, any cellar, pit, vault or excavation, to a greater depth than twelve feet below the curb of the street, on which such lot abuts, or if there be no curb, below the surface of the adjoining lots, and shall by such excavation, cause any damage to any wall, house, or other building, upon the lots adjoining thereto, the said owner or possessor shall be liable in a civil action, to the party injured, to the full amount of the damage aforesaid; *Provided,* however, that

Digging of cellars, &c.

Proviso.

such owner or possessor, may dig, or cause to be dug, any such cellar, pit or excavation, to the full depth of any foundation walls of any building upon the adjoining lots, and to the full depth of twelve feet below the grade of the street whereon such lot abuts, established by the corporate authority of any such city or incorporated village, without incurring the liability prescribed in this act.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 28, 1854.

AN ACT

Curwen's R. S., 2158; Curwen's Laws, 1368.

To amend an act entitled "An act to provide for the organization of cities and incorporated villages," and the act amendatory thereto, passed March 11, 1853.

Cities may construct canal or ship channel.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fourteenth, of said amendatory act, be so amended as to read as follows: Section 14. Any incorporated city, whether of the first or second class, shall have power for commercial purposes, when, in the judgment of the city council, the interest of such city requires the same to be done, to construct, open, excavate, improve, enlarge, or extend any canal, ship channel, or water course, located within the limits of such city, and which is not owned in whole or in part, by the State, or by any company, or individual, authorized by law to construct the same, and shall have power likewise to light the same, and to keep the same in proper repair; and for the purpose of defraying the expense thereof, such city council may assess a charge upon the lots or parcels of land, through or along which such canal, ship channel, or water course may pass, or which may be improved, thereby, or upon the owners of the same; such charge to be in proportion to the foot front of such lots, or parcels of land, or to the value of the same, as entered upon the duplicate of the proper county for taxation, and such charge shall be collected in the manner provided for the collection of other taxes imposed by such city council, either all in one year, or by installments each year, for any number of years not exceeding four years, as shall be directed by such city council, and to enable the city council to enter at once upon such improvements, such city council are hereby authorized to borrow any sum not exceeding ten thousand dollars, at a rate of interest not exceeding seven per cent. per annum, and to issue its bonds or other evidences of indebtedness therefor,

Expense, how paid.

City council may borrow money.

payable at such time or times not exceeding five years from the date of such assessment, with annual interest, at a rate not greater than aforesaid, as such city council may deem advisable; and the amount so assessed and collected, as aforesaid, shall be appropriated exclusively to the payment of the sum or sums so borrowed; and that said original section fourteen be, and the same is hereby repealed.

Council may appropriate lands.

SEC. 2. That whenever it shall, in the estimation of such city council, be deemed expedient to purchase or appropriate lands for the purpose of constructing, opening, extending, enlarging, or otherwise improving such canal, ship channel, or water course, they are hereby authorized to make such purchase, or to cause such appropriation to be made in the manner provided by law, and to assess a general tax upon all the taxable property of such city, for the purpose of defraying the expense of such purchase, or of such appropriation, the same to be levied all in one year, or by successive installments, for a series of years, not exceeding ten years, at the option of such city council; and in order to meet such expense at once, they are hereby authorized to borrow the necessary amount, at a rate of interest not exceeding eight per centum per annum, and to issue their bonds of indebtednes therefor, payable at such time or times, not exceeding ten years from the date of such purchase or appropriation, as such city council shall deem proper; and the proceeds of such tax shall be appropriated exclusively to the payment of the sum or sums so borrowed, as last aforesaid.

How paid for.

Petition of two thirds of residents owner of lots required.

SEC. 3. No order of such city council as aforesaid, for constructing, excavating, opening, enlarging, extending, or improving such canal, ship channel, or water course, shall be made, except on the petition of two-thirds of the resident owners of the lots of land through or by which said canal, ship channel, or water-course shall pass.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS.
President of the Senate.

April 29, 1854.

AN ACT

To amend the second section of an act entitled "An act for the surrender of the Warren county Canal," passed March 11, 1853, and to repeal the said section.

Section modified.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of an act for the sur-

render of the Warren county Canal, passed March 11, 1853, be so amended as to read as follows: That the Board of Public Works be, and they are hereby authorized to sell, and and transfer said Warren county canal, or any part thereof, or any water-power, or other property pertaining to said canal, upon such terms as in the opinion of the board will be most advantageous to the State, and to take releases of claims against the State, and to make releases of claims of the State on said canal. And the Board of Public Works is hereby directed and empowered to authorize individuals, at their own expense, to turn Shaker Creek into its original channel; *Provided*, that by such sale, transfer, or release, the State shall not incur any debt or liability for damage, in any way or whatever.

Duty of the board of public works.

Shaker creek.

Proviso.

Repealed.

SEC. 2. That the original section two of an act entitled "An act for the surrender of the Warren county canal, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

Authorizing County Surveyors to acknowledge deeds and other instruments, and to administer oaths.

County surveyors may take take acknowledgments of deeds, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several county surveyors, now and hereafter in office in the several counties of the State of Ohio, shall each, in their respective counties, have the same power to take and certify the acknowledgment of deeds, mortgages, powers of attorney, and other instruments affecting real estate, that justices of the peace now or at any time hereafter may have in their proper counties.

May perform the duties of justices, except in the trial of causes.

SEC. 2. That the several county surveyors, now and hereafter in office in the State of Ohio, shall each, within their respective counties, have the same power to administer oaths and affirmations, and to take affidavits, and certify all of the same, that justices of the peace, now or hereafter, at any time, may have in their proper counties, except in the trial of causes before such justices.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April ,29 1854.

AN ACT

To amend the first Section of the act entitled "An act to provide for the publication of the general laws in newspapers, and to repeal the act therein named," passed March 11, 1853.

Curwen's R. S., 2174; Curwen's laws, 1383.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled "An act to provide for the publication of the general laws in newspapers, and to repeal an act entitled, 'an act to provide for an early publication of the laws, and for other purposes,'" be so amended as to read as follows: Section 1. That the Secretary of State shall, at least ten days before the regular meeting of each regular session of the General Assembly, contract with the publisher of one English and one German newspaper, who shall be the lowest bidder therefor, to publish all the laws of a general nature that may passed by the Legislature next succeeding such contract, and which will go into effect before the same can be published in book form, and distributed as required by law. The Secretary of State shall require of the person who may contract to publish the laws under this section, to pay all expenses for the transportation of the copies of all laws to be published, from the office of Secretary of State to the office of publication, and to forward to the clerk of the Court of Common Pleas, auditor, probate judge, and prosecuting attorney of each county, a copy of each newspaper in which any law shall be published, without delay; *Provided,* That copies of such newspapers as may be printed in the German language, shall be forwarded to such counties only as have a German paper printed therein.

Laws modified.

The Secretary of State shall contract, &c.

What officers entitled to copies of the paper.

Proviso.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To regulate the admission and support of pupils in the Institution for the Deaf and Dumb.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all pupils who have been, or may hereafter be admitted from this State, into the Institution for the Deaf and Dumb, shall be supported at the expense of the State: *Provided,* That the traveling expense, and the ex-

Expenses of pupils paid by the State.

Proviso.

pense of clothing, shall be furnished by the parents and guardians of said pupils.

Duty of County Auditors in certain cases.

SEC. 2. That in case the parents or guardians of any pupil or pupils, shall fail at any proper time, to furnish the requisite clothing for said pupil or pupils, it shall be the duty of the auditor of the county in which said parents or guardians reside, upon due notice from the Superintendent of said Institution, to inquire into the matter; and if, upon investigation, he shall ascertain that said parents or guardians are unable, from any good cause, to comply with the provisions of section one, of this act, he shall so certify to said superintendent, who shall at once proceed to clothe said pupil or pupils, at the expense of the State; but if it be ascertained that said parents or guardians have no good and sufficient reason for not complying with the provisions of this act, said auditor shall at once give notice to said parents or guardian or guardians, specifying what amount of money, or what clothing is required, as the case may be, for said pupil or pupils; and if said money or clothing is not supplied within a reasonable time, said superintendent shall proceed to clothe said pupils, and shall so notify said auditor, who shall proceed to collect the amount of expense so incurred, as other debts are collected, and shall pay the same over to said superintendent, who shall account to the State for it, as other funds coming into his hands are accounted for.

Duty of superintendent in certain cases.

Repealing clause. Curwen's R. S., 143; Curwen's Laws, 352,

SEC. 3. That so much of section one of an act passed March 3, 1854, further to amend the act entitled "An act to establish an Asylum for the education of deaf and dumb persons, and for repealing all laws heretofore passed on that subject, as conflict with the provisions of this act, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To amend the twenty-ninth section of an act entitled "An act for the Incorporation of Townships," passed March 14, 1853.

Section modified- Power of trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-nine of the act entitled "An act for the incorporation of townships," passed March 14th, 1853, be so amended as to read: That it shall be lawful for the trustees of any township, in any county in this State, to purchase, and protect or improve, a cemetery, or burying ground, not exceeding ten acres of land, for the use of such township; and for the purpose of paying for, and im-

proving and protecting such grounds, they are hereby authorized to levy and assess upon the taxable property of such township, such a per centum as will raise any sum not exceeding one thousand dollars in any one year, until the whole amount of the purchase money with the interest due thereon, shall have been paid; and fifty dollars in any one year thereafter, to be applied to the improvement of the grounds, as aforesaid. That it shall be the duty of the Coroner of any county to bury such dead persons as he may hold an inquest upon, and who have left no means wherewith to pay the expenses of their burial, in the burying ground of that township wherein such inquest was held, and the necessary expenses of such burial shall be allowed and paid by the township trustees; the coroner shall also be allowed for his services under this section, by the trustees of the proper township, fifty cents for each person so buried.

Amount not to exceed, &c.

Duty of the Coroner.

Compensaiion

SEC. 2. That section twenty-nine of the act to which this amendatory, is hereby repealed.

Repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

Curwen's R. S., 2267; Curwen's laws, 1468.

April 29, 1854.

AN ACT

To amend section five, of an act, entitled "an act to amend an act, relating to the organization of Courts of Justice and their powers and duties," passed March fourteenth, one thousand eight hundred and fifty-three.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five, of an act, entitled "an act to amend an act relating to the organization of courts of justice, and their powers and duties," passed March fourteenth, one thousand eight hundred and fifty-three, be so amended as to read: (Section 5.) The court of common pleas shall have original jurisdiction in all civil cases, where the sum, or matter in dispute, exceeds the jurisdiction of justices of the peace; and appellate jurisdiction from the decision of county commissioners, justices of the peace, and other inferior courts in the proper county, in all civil cases, subject to the regulation provided by law. It shall have original jurisdiction of all crimes and offences, except in cases of minor offences, the exclusive jurisdiction of which is invested in justices of the peace, or that may be vested in courts inferior to the common pleas; *Provided*, however, that in all criminal cases where a person shall be indicted and tried in the court of common pleas, for an offence properly cognizable therein,

Act modified.

Court Com. Pleas jurisdiction of.

Proviso.

and he shall be found guilty of any such minor offence embraced within the terms of the indictment, the jury shall so return in their verdict, and the court shall thereupon proceed to pass the sentence prescribed by law, in such case.

Section of act repealed.

SEC. 2. Section fifth of an act entitled an act to amend an act relating to the organization of courts of justice, and their powers and duties," passed March fourteenth, one thousand eight hundred and fifty-three, be, and the same is hereby repealed.

Curwen's R. S., 2250. Curwen's Laws, 1451.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To amend the 61st and 77th sections of the act entitled "an act to provide for the organization of cities and incorporated villages," and the 13th section of "an act entitled an act to provide for the organization of cities and incorporated villages," passed March 11, 1853.

Act modified.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-one, of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3d, 1852, be so amended as to read as

Power of city council.

follows: Sec. 61. The city council shall possess all the legislative powers granted in this act, and other corporate powers of the city, not herein, or by some ordinance of the city council, made in pursuance of this act, conferred on some officer of the city; they shall have the management and control of the finances, and of all the property, real and per-

Meetings.

sonal, belonging to the corporation. They shall provide the times and places of holding their meetings, which shall at all times be open to the public; and the mayor, or any three trustees, may call special meetings, by notice to each of the

Election of city officers.

members of the council, served personally, or left at his usual place of abode. They shall appoint, or provide by ordinance, that the qualified voters of the city, or of the wards or districts, as the case may require, shall elect all such city officers as shall be necessary for the good government of said city, and for the due exercise of its corporate powers, and which shall have been provided for by ordinance, as to whose appointment or election, provision is not herein made, and not provided for by any general law of the State, in reference to cities of the first class: and all city officers, whose term of office is not prescribed, and whose powers and duties are not defined in the act to which this is amendatory, or

some general act amendatory thereto, shall perform such duties, exercise such powers, and continue in office for such term of time, not less than two nor more than three years, as shall be prescribed by ordinance; but all officers to be elected, shall be elected at the regular annual election for municipal corporations. The officers of all municipal corporations, shall receive such compensation and fees for their services, as the trustees shall by ordinance prescribe; *Provided*, that the compensation of the council, or trustees, shall not exceed one dollar to each member, for every regular or special meeting of the board.

Compensation of officers.

SEC. 2. That section seventy-seven of the said act to which this is amendatory, be so amended as to read as follows: Section 77. The city council shall have power to erect and establish, to maintain and regulate an infirmary, for the accommodation of the poor of such city, either within the city or within the county in which such city may be situate, and for such purpose, may purchase, or hold, any real estate that may be deemed necessary. The management and government of such infirmary, and the granting of out-door relief to the poor, under such rules and regulations as the council may prescribe, shall be vested in a board of three directors, to be elected by the qualified voters of the city, and to hold their office for the term of three years; but it shall be so provided, that one of said directors shall be elected annually. The city council shall provide. that the said directors shall appoint, or the qualified voters of the city shall elect, such number of overseers as may be deemed necessary in said city, and who shall perform such duties in respect of the care of the poor, and their removal to said infirmary, as the city council shall prescribe.

The city council may erect an infirmary.

Government of infirmary in whom vested.

SEC. 3. That section 13 of the act entitled an act to provide for the organization of cities and incorporated villages, passed March 11, 1853, be so amended as to read as follows: Section 13. That the city council of any city, or incorporated village, of this State, on petition filed by any person or persons, owning any lot or lots, in any such city or incorporated village, praying that any street or streets, alley or alleys, in the immediate vicinity of such lot or lots, may be vacated or narrowed, may, and they are hereby authorized, upon hearing and being satisfied that there is good cause for such vacation or narrowing, and that it will not be detrimental to the general interest, and that the same should be made, declare such street or streets, alley or alleys vacated or narrowed; *Provided*, no street or alley shall be vacated as aforesaid, unless notice of the pendency and prayer of such petition shall be given by publishing the same in some newspaper, published in such city or village for six consecutive weeks, immediately preceding action on each petition; or in case no newspaper is published in such city or village, by

Act modified.

City Council may narrow or vacate streets, &c.

Mode of proceeding.

Proviso.

posting such notice in three public places, in such city or village, six weeks immediately preceding such action.

Sections of acts repealed.

Curwen's R. S., 1852, 1858. Curwen's Laws, 1087, 1093. Curwen's R. S., 2158. Curwen's Laws, 1367.

SEC. 4. That section sixty-one and seventy-seven of the act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852, and section 13 of the act supplementary to an act to provide for the organization of cities and incorporated villages, passed March 11, 1853, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

Supplementary to an act entitled "an act to provide for the recording of town plats," passed March 3, 1831.

Power of guardians over the real estate of wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That guardians of minor children, idiots, and insane persons, may, when authorized by the court, as hereinafter provided, cause the lands of their respective wards, to be surveyed into town lots, and plats thereof to be made, acknowledged and recorded, in accordance with the provisions of the act to which this is supplementary.

Proceeding to lay out the land of wards.

SEC. 2. That any such guardian may file a petition in the Court of Common Pleas, or Probate Court, of the county in which the land or some part thereof may be situated, which shall contain a description of the land, and of the manner in which the same is proposed to be laid out, a statement of the grounds of the application, and a prayer for an order of the court in the premises. And like notice of the pendency of the petition, shall be served on the ward or wards, as is or may be required on petition to sell land by guardian, and such court being satisfied that such ward or wards have been legally served with notice of the pendency of the petition, and that it will be for the benefit and advantage of such ward or wards, to sell such land; or that it is necessary for his, her, or their maintenance and education; and being further satisfied, that it will be manifestly for the benefit of such ward or wards, to lay out his, her, or their land into town lots, may order such guardian to cause such survey and plat to be made, of the lands in the petition described, or such part or parts thereof, as the court hearing the petition shall deem proper for the best interest of such ward or wards,

Notice to wards.

and for, and in his, her, or their behalf, to sign and acknowledge such plat, in the same manner as is provided in the act to which this is supplementary.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To amend the act entitled an act to enable the Trustees of Colleges, Academies, Universities, and other institutions for the purpose of promoting education, to become bodies corporate.

Curwen's R. S. 1759.

Curwen's Laws, 999.

Act modified.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twelve of the act entitled "an act to enable the Trustees of Colleges, Academies, Universities, and other institutions for the purpose of promoting education, to become bodies corporate, passed April 9, 1852," be so amended as to read as follows: Section 12. Any College, University, or other institution of learning, now existing by virtue of any act of incorporation, or that may hereafter become incorporated for any of the purposes specified in this act, may, if three-fourths of the Trustees or Directors thereof deem the same proper, and if said institution is owned in shares, or by stock subscribed or taken, then by a vote of three-fourths of the stock or shareholders, change the location or name of such institution, convey its real estate, and transfer the effects thereof, and invest the same at the place to which such institution shall be removed; *Provided*, that no removal shall be ordered, and no vote taken thereon, or name changed, until after publication in the same manner as herein required for the increase of capital, in which notice shall be fully set forth, the change of name or location of the institution proposed to be changed in name or removal, and the place to which it is proposed to remove such institution; and provided, also, that in case of removal, a copy of the articles of association, with the corporate name of such institution, shall be recorded in the recorder's office of the county to which such institution may be removed.

Power of Trustees or Stockholders to remove location of Colleges,

Proviso.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate

April 29, 1854.

AN ACT

To enable any person to designate an heir at law.

Power of a person of sound mind, &c; to designate an heir; and proceedings necessary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That any person of sound mind and memory, may appear before the Probate Judge of his proper county, and in the presence of such Probate Judge, and two disinterested persons of his acquaintance, file his written declaration, which shall be attested by such persons, declaring that, as his, or her free and voluntary act, he, or she, did designate and appoint any other, naming such person specially, and stating the place of residence, to stand toward him, (or her,) in the relation of an heir at law, in the event of his death; and thereupon the Judges of Probate, if satisfied that such declarant is of sound mind, memory, and free from any restraint, shall enter that fact upon his journal, and make a complete record thereof; and thenceforward, such person thus designated, shall be taken and held, in all places, to stand in the same relation, for all purposes, to said declarant, as he, or she, could, if a child born in lawful wedlock; and the rules of inheritance shall be the same, between him or her, and the relations by blood, of the declarant, as if so born; and a certified copy of such record, shall be prima facie evidence of the fact stated therein, and conclusive evidence, unless impeached, by reason of actual fraud, or undue influence.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To amend the act entitled "an act prescribing the duties of Supervisors, and relating to Roads and Highways."

Act modified.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the twenty-seventh section of the act entitled "an act prescribing the duties of supervisors, and relating to roads and highways," passed February 13, 1853, be so amended as to read as follows: Section 27. The county commissioners of any county in this State, shall not levy, in any one year, a greater amount of road tax than is herein specified, viz: When the aggregate amount of tax-

able property entered upon the list shall be fifty millions of dollars, the tax shall not be less than one twenty-fifth of one mill, nor more than one mill; and when the aggregate amount of taxable property entered upon the list shall be three millions of dollars, the tax shall not be less than one-tenth of one mill, nor more than one mill on the dollar; and when it is less than three millions of dollars the road tax shall not be less than two-tenths of a mill, nor more than one and a half mills on the dollar; *Provided*, that nothing in this section shall be so construed as to prohibit the county commissioners in any county in this State, when the aggregate amount of taxable property entered upon the list shall be less than eight millions, from levying an additional tax for road purposes, not exceeding eight mills on the dollar, whenever they may deem it necessary; which shall be collected in the same manner, and at the same time that State and county taxes are collected and paid into the county treasuries of each county, which tax shall be applied to the opening and repairing roads, and the repairing and constructing bridges in the respective county or counties, where such tax may be levied as aforesaid.

Amount of road tax to be levied in any year by county commissioners.

Proviso.

SEC. 2. That the twenty-seventh section of the act to which this is an amendment, be, and is hereby repealed.

Section repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

Curwen's R. S., 2138; Curwen's Laws, 1350.

April 29, 1854.

AN ACT

To amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3d, 1852, and the act amendatory thereto, passed March 11, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city whose territory is contiguous to that of another city or incorporated village, may, with the assent of such other city or incorporated village, establish and maintain such portion of its water-works, as it shall deem advisable, within the limits of such other city or incorporated village; and shall have the right to make use of such of the public streets, alleys, and public grounds of such other city or incorporated village, as shall be convenient therefor, for the purpose of constructing, laying down, and maintaining all such aqueducts and water pipes, as shall be required in connection with such water-works, for the conveyance of

Regulating the construction of water-works by one city in the territory of another.

water along and across such streets, alleys, and public grounds. Such aqueducts and pipes to be so constructed and laid as not to interfere unnecessarily with the use of such streets, alleys, and public grounds, as public highways and public grounds; and the city so establishing any part of its water-works, within the limits of such other city or incorporated village, shall have concurrent jurisdiction to prevent or punish any pollution of, or injury to, the water so conveyed; and the stream or source from which the same shall be obtained, or any injury to any portion of such water-works, so so located within the limits of such other city or incorporated village.

A city may contract to furnish water to another city

SEC. 2. That any city which shall have established, or which shall be about to establish water-works, is hereby authorized to enter into a contract with any contiguous city or incorporated village, for the supply of the latter with water, upon such terms as shall be mutually agreed upon by the boards of trustees of water-works of the respective cities, or city and incorporated village; and the amount to be paid for such supply, shall be raised by such city or incorporated village, in the manner provided for the payment of the expense of conducting and managing water-works, constructed wholly by a city or incorporated village; and the amount so received by the city furnishing such supply, shall be applied to the payment of the interest on the sum borrowed for the construction of such water-works, or to defray the expense of their management, as the board of trustees for water-works shall direct.

Water-works in cases of annexation become joint property.

SEC. 3. That upon the annexation of one municipal corporation to another municipal corporation, as provided by statute, the water-works theretofore constructed by either corporation, shall thereby become the joint property of the united corporation, and shall thereafter be managed by the board of trustees of the corporation to which such annexation shall have been made; and any contract which may have been entered into by such municipal corporation, for the supply, by one to the other, of water, as above provided, shall thereby be terminated; and so much of the debt incurred by either, in the construction of water-works, as remains unpaid, shall thereafter be a charge upon the united corporation, to the same extent that the separate debt of either, incurred as aforesaid, was, before such union, a charge upon the corporation which constructed the same.

Act modified.

SEC. 4. That section 5 of the act entitled an act to amend the act entitled "an act to provide for the organization of cities and incorporated villages," passed March 11, 1853, be so amended as to read as follows: "For the purpose of paying the expenses of conducting and managing water-works, the trustees of water-works shall have power to assess and collect, from time to time, a water rent, of

sufficient amount, in such manner as they may deem most equitable, upon each and every tenement supplied with water; and if there should be any surplus, after paying the expenses of conducting and managing the water-works, the same may be applied to the extension of the works, the payment of the interest upon the loan made by the city, or for the creation of a sinking fund for the liquidation of the debt; and the amount allowed to be levied and assessed by any city for water-works purposes, under the provisions of the first section of this act, shall be applied by the city council to the creation of a sinking fund for the payment of the indebtedness incurred by such city for the construction and extension of water-works, and for no other purpose whatsoever.

Trustees may assess water rent, &c.

SEC. 5. That in addition to any loan heretofore authorized to be made by any city, the city council of any city is hereby empowered to borrow any amount, not exceeding one hundred thousand dollars, at a rate of interest not exceeding six per cent., and to issue the bonds of said city therefor, payable at any time within twenty years, (as the said city council may determine,) from the date thereof; and the money so borrowed shall be applied by the trustees of water-works, to the construction, extension, and repair of water-works, and the building of necessary machinery; *Provided*, that in all cases, before the said council shall be authorized to negotiate any loan, for the purposes aforesaid, they shall submit to the qualified electors of any such city, at any regular or special election, a proposition for and against the same, which shall receive the affirmative vote of a majority of all the votes polled at any such election.

City council may borrow money.

Proviso.

SEC. 6. That the fifth section of the act to amend the act entitled "an act to provide for the organization of cities and incorporated villages," passed March 11, 1853, be and the same is hereby repealed.

Section repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

Curwen's R. S., 2154.
Curwen's Laws, 1363.

May 1st, 1854.

AN ACT

To amend an act entitled "an act prescribing the duties of County Treasurers," passed March 12, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fourth section of said act be amended so as to read as follows: Section 4. That whenever the office

Section modified.

Providing for the appointment of County Treasurers.

of County Treasurer shall become vacant by death, removal, resignation, neglect to give bond, or from any other cause, the County Commissioners of the proper county shall forthwith appoint some suitable person to fill such vacancy; and the person so appointed shall give bond, and take an oath or affirmation as required in the second section of the act to which this is an amendment, and shall hold his office until the next annual election, and until his successor shall be elected and qualified; *Provided*, that if such appointment shall not be made more than twenty days before the annual election next thereafter, then, in such case, the Treasurer so appointed shall hold his office until the second annual election next after his appointment, and until his successor is duly elected and qualified.

Proviso.

Section repealed.

Curwen's R. S., 2412. Curwen's Laws, 236.

SEC. 2. That section four of the act to which this is an amendment, is hereby repealed. This act to take effect and be in force, from and after its passage.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To authorize the acting Commissioner of the Sinking Fund to sell certain land conveyed to the State by A. A. Bliss.

Providing for the sale of certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the acting Commissioner of the Sinking Fund be, and he is hereby directed to sell all lands, the title to which has been vested in the State, by conveyances from Albert A. Bliss and wife, for cash, or upon deferred payments, not exceeding two years, with interest; *Provided*, that said lands shall be sold at public sale, to the highest bidder, on sixty days' notice of the sale being given in two of the daily newspapers of Columbus.

SEC. 2. That the proceeds arising from said sales shall become a part of the sinking fund.

SEC. 3. That the Governor is authorized to execute conveyances to the purchasers of said lands, upon the certificate of the Acting Commissioner aforesaid, that the purchase money has been paid.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro. tem.

May 1st, 1854.

AN ACT

To prohibit the circulation of Foreign Bank Bills, of a less denomination than ten dollars.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the firt day of October, in the year of our Lord one thousand eight hundred and fifty-four, it shall be unlawful for any person or persons, firm, or body corporate, to pass, transfer, or circulate, either directly or indirectly, or offer to pass, transfer or circulate, or cause to be passed, transferred, or circulated; or to receive, or cause to be received, any bank bill, or note of less denomination than ten dollars, unless said bank bill or note shall have been issued by and made payable at one of the banks of this State, in accordance with the laws of this State ; *Provided*, however, that the mere transfer, or receiving of such unlawful paper *bona fide* for the purpose of sending the same directly out of this State, for redemption, shall not be deemed a violation of the provisions of this act.

To take effect Oct. 1, 1854.

Provisions.

Proviso.

SEC. 2. That all bank bills of less denomination than ten dollars, unless issued by, and made payable at one of the banks of this State, in accordance with the laws of this State, shall not directly or indirectly, be paid out or received in payment of any tax, debt, judgment, decree, fine or amercement, or other demand whatever; and all such unlawful paper shall be held in this State to be worthless, and all contracts in relation thereto null and void; and any disbursements or payments or exchange for other property of value, made or attempted to be made therewith, of no effect whatever.

SEC. 3. That any bank or bankers, broker or brokers, or body corporate, or public officer or officers, knowingly violating any of the provisions of this act, shall forfeit and pay for every such violation, the sum of one hundred dollars, and any other person or persons the sum of ten dollars, to be recovered in a civil action in the name of the State of Ohio, upon complaint in writing, on oath, in the same manner that debts of a like amount are by law recoverable, and under the same limitations and provisions, one half of which shall go to the person complaining, and the other half to the treasurer of the township in which the offence was committed, and for the use of common schools in said township ; and the person so complaing shall not, after the filing of such complaint, be liable to a forfeiture in the same case, although a party to the same offence.

Penalty.

How recovered and for whose benefit.

SEC. 4. The following shall be the form of the complaint in suits for forfeitures under the provisions of this act, so far as the same may be applicable, but may be varied to suit the nature of the particular case, namely : State of Ohio,——— County, ss. Before me, A. B., one of the justices of the

Form of complaint,

peace for said county, personally came C. D., who, being duly sworn, deposeth and saith, that on or about the ——— day of———, in the year ———, in the township of———, at the county of ———, aforesaid, E. F., (if a bank, body corporate, broker, or public officer, describe them accordingly,) did knowingly pass, (or transfer, or cause to be passed or transferred, &c., as the case may be,) to one G. H., a certain bank bill, (or note,) of the denomination of ———dollars, not issued by and made payable at any one of the banks of the State of Ohio, in accordance with the existing laws of said State, and this deponent verily believes the foregoing complaint to be true, and further saith not. (Signed C. D. Sworn to and subscribed before me, at the township and county aforesaid, this ——— day of———. A. B., Justice of the Peace. Upon such complaint being filed, the justice shall issue a summons thereon, (or capias, or other civil process, upon the proper affidavit being made, as the case may be,) stating briefly therein, the substance of such complaint, and make such writ returnable, as in other cases.

Additional forfeiture to that mentioned in section 3.

SEC. 5. That the members of every firm, and the stockholders of every incorporated company, and every bank or banker, broker, public officer, or other person, shall, in addition to the forfeiture specified in the third section of this act, be individually liable for the redemption in gold or silver coin, of all such unlawful paper put in circulation, paid out or transferred by them or such firm, incorporated company, or bank of which they are members [or stockholders; and every bank or other incorporated company, who shall knowingly violate any of the provisions of this act, shall thereby forfeit its charter and corporate privileges; and all notes, and other securities or obligations, discounted in whole or in part by any bank, banker, or bankers, broker or brokers, with, or by paying out the unlawful paper, the circulation of which is by this act prohibited, shall be void, and no action shall be maintained to enforce the collection thereof.

Inconsistant acts repealed

SEC. 6. That all laws and parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives,
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To amend the first and second sections of an act entitled "An act to authorize the construction of a Turnpike Road, upon the unfinished part of the Cumberland Road, in the State of Ohio," passed March 14th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one and section three, of the act entitled "An act to authorize the construction of a turnpike road upon the unfinished part of the Cumberland road, in the State of Ohio," passed March 14th, 1853, be so amended as to read as follows: That it shall be lawful for turnpike companies, as provided by this act, which shall hereafter, or which may now be organized under the laws of this State, for the purpose of constructing a turnpike road upon, and along the line of the unfinished part of the Cumberland road, from the western intersection of the Mad River Valley Turnpike, with said Cumberland road, to the western line of this State, to enter upon, hold, and use for the purposes herein provided, all the property, interest and title, within the limits of the county in which said company is organized, which this State holds or owns in said portion of said road, by, and under the act of Congress, approved January the twentieth, A. D. 1853, whether such property or interest of this State, is in lands, bridges, culverts, embankments, right of way, or any thing whatever. And it shall not be lawful for any company, person or persons, to erect a gate for the purpose of receiving toll, upon any part of said road east of the western intersection of the Mad River Valley Turnpike Road with said Cumberland road, which has been completed and kept in repair as aforesaid.

Providing for the construction of a turnpike road on the unfinished part of the Cumberland road.

No toll to be collected on certain part of said road.

SEC. 2. That the third section of said act, be, and the same is hereby so amended as to read as follows: That in no event shall the State, by reason of the privileges conferred by this act, become liable, or in any manner bound to pay any damages to any person whomsoever, which result from the abandonment of said Cumberland road by the United States, or from the privileges conferred by this act; but nothing in this act contained, shall affect in any manner, the rights of any person or persons claiming damages for injuries, either against the government of the United States or against any company organized, or which may hereafter be organized under the provisions of this act, or under the provisions of the act to which this is an amendment; nor shall any of the provisions of this act be so construed as to prejudice the rights of the commissioners of the county of Clark, or individuals and companies, either in their private or corporate capacity.

State not responsible in damages.

Rights of persons not affected.

Repealing clause.

SEC. 3. That the original sections one and three, of the act to which this is an amendment, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

relative to sheiffs.

To regulate the fees of Sheriffs and Appraisers, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases now pending, or hereafter commenced, under chapter three, of title eight, of the act entitled, "An act to establish a code of civil procedure," passed March 11th, 1853, the sheriff shall be allowed, for each person and parcel of land served with a copy of an order of attachment, the same fees as are now allowed by law for levying each execution.

Relative to appraisers.

SEC. 2. That in all such cases, the freeholders required to be called by the sheriff, to appraise property, shall be allowed such fees for their services as the court may direct.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to the acts entitled, "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852; and "an act to amend the act entitled an act to provide for the organization of cities and incorporated villages," passed March 11, 1853.

Defining the powers of cities of the second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all cities of the second class, in this State, shall have the same powers, rights and privileges, in levying taxes, issuing bonds, and otherwise, for the purpose of erecting and constructing water-works, for supplying such cities with water, as is granted and provided for cities of the first class, by the provisions of the acts entitled "an act to provide for the organization of cities and incorporated villages," passed May 3, 1852; and "an act to amend the act

Curwen's R. S., 1841. Curwen's Laws, 1078.

entitled an act to provide for the organization of cities and incorporated villages," passed March 11, 1853. Curwen's R. S., 2153; Curwen's Laws, 1363.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To provide for the erection of a monument to the memory of General Simon Kenton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That R. H. Cheathem, of Logan county, William A. Adams, of Hamilton county, Battel Harrison, of Fayette county, Anthony Casad, of Logan, and John A. Corwin, of Champaign counties, are hereby appointed commissioners, to remove from their place of interment, in Logan county, the remains of the late Simon Kenton, deceased, and to inter the same at such place as may be determined on, by, and with the advice and consent of the surviving relations of said deceased, now residing in the counties of Logan, Champaign and Clark; and said commissioners are hereby authorized and required to cause to be erected over the remains so to be interred, a suitable monument, with such inscription as may be by them determined on; said commissioners shall perform their duties without compensation; and in case any one of said commissioners shall die, or refuse to act, the vacancy shall be filled by appointment of the Governor. Commissioners appointed by this act. Vacancy; how filled.

SEC. 2. The sum of one thousand dollars is hereby appropriated to erect said monument, and carry into effect the provisions of this act, to be drawn from the treasury, when necessary, to pay expenses and liabilities actually incurred by virtue of this act, to be certified by a majority of the commissioners, and drawn on the warrant of the Auditor of State. Amount appropriated.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Amendatory of an act entitled, an act for the relief of the poor, passed March 14, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person or persons, other than those hereinafter provided for, who shall reside one year in any township in this State, shall be considered as having gained a legal settlement in such township. Every indented servant or apprentice, legally brought into this State, shall obtain a legal settlement in the township where such servant or apprentice shall serve his or her master or mistress one year; and every married woman, during coverture, or after her husband's death, shall be considered legally settled in the place where he was last legally settled; but if he shall have had no legal settlement, then she shall be considered as settled in the place where she was last legally settled before marriage; *Provided*, that nothing in this section shall be so construed as to release any township from its legal obligations to support any person or persons removing from such township, until such person or persons shall have gained a legal settlement in the township to which such person or persons shall have removed; *Provided*, further, that if any person or persons shall become a township charge, before such person or persons shall have gained a legal settlement in any township to which any such person or persons shall have removed, they shall not be considered as having gained a legal settlement in such township, during the time that such person or persons shall remain a township charge.

Legal settlement.

Legal settlement of certain persons.

Proviso.

Proviso.

SEC. 2. That the trustees of each township shall afford relief or support to any person or persons within their township, not having a legal settlement in the same, when such relief or support is needed; *Provided*, that whereas the trustees of any township shall be called upon to afford relief from the township treasury, in any county having a county Infirmary, to any person or persons, who have no legal settlement in this State, or whose place of residence is unkown, it shall be the duty of the trustees to make out an order to the directors of such county Infirmary, to receive and provide for such person or persons so long as the said trustees may direct; *Provided*, further, that whenever the trustees of any township shall be called upon to afford relief from the township treasury, in any county having no county Infirmary, to any person or persons, who have no legal settlement in this State, or whose place of residence is unknown, it shall be the duty of such trustees to keep an accurate account of all moneys so expended, and certify such account, together with the vouchers for the same, to the county commissioners of the county, who shall cause the amount so paid, to be paid to the township, out of the county treasury; *Provided*, further, that in case any person or persons, becoming chargeable to any township, as aforesaid, shall

Duty of Trustees.

Trustees reimbursed in certain cases.

Trustees shall certify to county commissioners.

Trustees may remove persons.

have no legal settlement within this state, the trustees may remove such person or persons to the State where he, she or they have a legal settlement; unless such person or persons shall give sufficient security to indemnify the said township.

SEC. 3. That sections one, three, and seven of the act to which this is amendatory, be, and the same are hereby repealed. Secs. repealed

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

Curwen's R. S., 2243–4. Curwen's Laws, 1444–5.

May 1st, 1854.

AN ACT

To provide for the distribution of Swan's Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Secretary of State be, and he is hereby authorized and directed to distribute in the same manner as the general laws are now distributed, Derby's New Revised edition of Swan's Statutes of Ohio, in the following manner: Secretary of State authorized to distribute Swan's statutes.

To each judge of every court of record, and to each clerk thereof, each Justice of the Peace, Sheriff, Coroner, County Treasurer, County Surveyor, County Recorder, Prosecuting Attorney, Auditor of the County, Board of Directors of any County Infirmary, and each Township Clerk, one copy; and to State officers, as follows: To the Governor, for his own use, one copy, and for exchange with States with whom this State is accustomed to exchange copies of laws, such number as may be required for that purpose; to the Auditor of State four, to the Treasurer of State two, to the Attorney General one, to the State Librarian five copies, for the use of the Library, and to each member of the Board of Public Works, and to each Superintendent of the Benevolent Institutions of the State, one copy. What officers entitled to the same.

The remaining copies, if any, to be preserved in the State Library, for public use; and if the number now ordered be insufficient for the foregoing distribution, the said Secretary of State shall order such additional copies as may be necessary, under the provisions of an act entitled "An act to authorize the Secretary of State to contract for copies of a new revised edition of Swan's Statutes of Ohio" passed April 13th, 1854. Additional copies may be ordered.

To be delivered to successors.

SEC. 2. The copies herein ordered to be distributed to officers, shall be preserved by them and delivered to their successors in office.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To make it the duty of County Auditors to levy extra taxes for road purposes, in certain cases.

Duty of County Auditor to levy a tax in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it shall be made known, by petition or otherwise, to either of the County Auditors of this State, that three-fourths of the resident freehold tax-payers, living on the line of any State road, county road, or free turnpibe road, within his proper county, desire an extra tax for the purpose of constructing, improving, or repairing such road, it shall be the duty of the said County Auditor to levy a tax for that purpose, of any amount that be desired, not exceeding six mills on the dollar valuation, in any one year, on all lands and taxable property, for any distance on each side of such road, not exceeding one mile, and in no case more than half the distance from such road to any other State or county road, running parallel, or nearly parallel thereto.

Time for which tax is levied.

SEC. 2. That when any tax as aforesaid, shall be levied, it shall be for the term of three years, and no longer, unless at the expiration of the three years as aforesaid, the petition or request shall be renewed, and in that event, such tax shall be levied for the term of three years longer.

SEC. 3. That the County Auditors as aforesaid, are hereby authorized and required to levy such tax as aforesaid, on the lands and property, on the line of any such road, in any township of the proper county, when petitioned for by the resident tax payers on such road, in such township only.

Tax may be discharged by labor.

SEC. 4. That all taxes arising under the provisions of this act, may be discharged by labor on the proper road, at the rate of one dollar per day, and a rateable proportion for teams and implements.

Disbursing agents.

SEC. 5. That it shall be the duty of the commissioners of the proper county, so soon as convenient, after the levy of such tax as aforesaid, to appoint from the petitioners, one or more agents, whose duty it shall be to disburse, lay out and expend all the funds collected by the said tax, under

such rules and regulations as the said commissioners may choose to adopt.

Certificate to be received in discharge of tax.

SEC. 6. If said taxes are disbursed by labor upon such road, it shall be under the direction of said agent; and the certificate of said agent of the payment of such tax, shall be received by the County Treasurer in discharge of such tax.

F. C. LEBLOND,
Speaker of the House of Representaiives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio, passed May 1st, 1852.

Directors residents of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a majority of the directors of each and every railroad company, organized under the laws of this State, elected after the passage of this act, shall be residents of the State of Ohio.

Office of President, &c., record open for inspection.

SEC. 2. That the offices of the president, secretary and treasurer, of every such railroad company, shall be established and kept at some place on the line of their respective road, within this State; and a record of all the proceedings of any such railroad company, shall be kept at such office or offices, and open at reasonable hours for the inspection of any stockholder of such company.

Liability of directors.

SEC. 3. That said directors shall be liable to the stockholders, in their individual capacity, for any damage they may sustain, by season of their negligence, mismanagement, or unfaithfulness in the discharge of their duties as directors;

Proviso.

Provided, That any such director may exonerate himself, by entering his protest upon the record, against any act from which injury is feared, and forthwith publishing the same in the newspaper in which are usually published the notices of dividends, by said company.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To provide for the payment of Harvey Furguson's claim, for services during 32 days of the Session of 1854, as Post Master to the House of Representatives.

WHEREAS, Harvey Furguson has served as Post Master to the House of Representatives, in taking charge of all mail matter belonging to members of said House, for thirty-two days, at four dollars per day, commencing January 2nd, 1854, and serving as said Post Master until the 2nd day of February, 1854. Therefore,

Amount and to whom appropriated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Harvey Furguson be allowed the sum of one hundred and twenty-eight dollars, for thirty-two days' services, rendered during the fore part of the Session of A. D., 1854, as Post Master to the House of Representatives, and that the Treasurer of State be authorized and empowered to pay the same out of the fund to defray the expenses of the present Legislature, and under the same rules and laws by which the Members and Officers draw their pay.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Authorizing the Trustees of Townships to establish Water-courses, and locate Ditches, in certain cases.

Trustees of Townships may locate ditches and open water-courses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of townships shall have power, upon application of the parties, to enter upon any lands in their townships to view any water-course, or proposed ditch, for the purpose of draining the lands held and owned by one or more persons; and in case the parties interested shall be unable to agree where said water-course shall be located and opened, or unable to agree as to the apportionment of the labor, cost, and expense that each person interested shall bear, said trustees shall cause said water-course or ditch to be located, and surveyed, if necessary, and shall set apart to each person interested in said water-course or ditch, such portion of the same, to be by him opened, as shall, by said trustees, be deemed just and right, according to the benefits to be derived by opening of said water course or ditch.

Party applying for ditch to give notice to others interested.

SEC. 2. That when any person shall make application to the trustees as prescribed in the foregoing section, such person shall give notice, in writing, to all other persons interested in the proposed ditch or water-course, which notice shall

be served personally upon said parties, or by copy left at the residence of any such party, at least three days before the day appointed for said trustees to meet for the purpose of making such examination; and a copy of said notice, together with proof of service thereof, shall be taken by said trustees as evidence that the same has been regularly served; and if any of the parties aforesaid reside without the State or county, it shall be lawful to give notice by publication in some newspaper of general circulation in the county, as required in like cases at law; and said trustees shall have power to administer oaths in verification of the service of notices.

Trustees to make a division of the work, and certify to the same.

SEC. 3. The trustees, in locating and establishing said water-course or ditch, and apportioning the labor thereof, shall cause a measurement to be made of such portion as they shall award to each person, and cause a stake or monument to be placed at each boundary line, for the benefit of those interested, and shall officially certify to the same; which certificate shall be filed by them with the clerk of the proper township, within fifteen days after said location shall have been made, which said clerk shall record the same in the township record.

Trustees to serve written notice of the apportionment of labor and expense.

SEC. 4. The trustees, after having made up their award and apportionment, shall, within a reasonable time, cause a written notice to be served upon each person interested, setting forth the amount of labor and expense to be by him or her performed and sustained, and shall cause the said labor to be performed within a reasonable time, which time shall be specified in their said certificate, and cause said ditch or water-course to be kept open by those interested in the same, according to the award of the trustees or commissioners.

To meet within ten days after application.

SEC. 5. That in all cases where application is made to the trustees for locating a ditch or water-course, they shall meet within ten days after having been duly notified of the same, for the purpose of making such examination and location; and the trustees or commission of review shall have power, when they shall deem it necessary, to take to their assistance a competent person, whose duty it shall be to act as clerk, and allow him a reasonable compensation for his services, to be taxed in the cost bill.

Duty of Trustees when a party fails to perform his part of the work.

SEC. 6. If any of the persons interested in the proposed water-course or ditch, shall fail to procure the cutting of said ditch or the opening of said water-course, on that section of the same assigned by the said trustees to such person, at the time and in the manner designated by the said trustees, said trustees shall cause the same to be done either by public or private contract, on such reasonable terms as they are able to procure, and give to the person having performed the labor as aforesaid, a certificate of the amount and value of the labor so by him performed, or caused to be performed; and the person holding such certificate shall be

authorized, after demand and refusal to pay, to sue for and recover before any court of competent jurisdiction, the amount of said certificate, from the person to whom the opening of said ditch or water-course was assigned by the said trustees, together with the cost of suit, and the cost claimed by the trustees for the performance of their duties, enjoined upon them by this act; and when execution shall have been issued upon any judgment recovered as aforesaid, and the same shall be returned unsatisfied, in whole or in part, it shall be the duty of the court before whom such judgment was rendered, to cause the same to be certified, with the cost, and all proceedings in the case, to the auditor of the proper county, who shall enter the same upon the tax duplicate of said county, against the tract or lot of land benefitted by the cutting or opening of said ditch or water-course; and the amount so entered, together with the legal interest, shall be collected by the treasurer, the same as other taxes; and when collected, shall be paid over to the person or persons interested in the said judgment; *Provided*, that if any of the persons interested in the proposed water-course or ditch, reside out of the State or county, shall fail to pay to the person holding such certificate, for thirty days after the labor shall have been performed, the person holding the same may file it with the auditor of the proper county, who shall levy the same upon the tax duplicate, and the same shall be proceeded with, without suit, in all respects as required in this section; *Provided*, further, that it shall not be necessary to give any person who is not a resident of the county or State, a written notice of the amount of labor and expense due from him, as provided for in the third section of this act.

The persons performing the work may bring suit.

Duty of Auditor.

Proviso.

Notice, when necessary.

Auditor may require a description of delinquent lot.

SEC. 7. No county auditor shall be under obligation to enter the amount mentioned in the preceding section, unless the same shall be accompanied by a full and particular description of the lot or part of lot subject to the amount claimed as aforesaid.

Further duty of Trustees.

SEC. 8. In all cases where any proposed ditch or water-course shall be in more than one township, application shall be made to the trustees of each of said townships, and in such case a majority of the trustees of such townships shall be competent to locate and establish the ditch or water-course, as aforesaid; *Provided*, always, that no trustee shall serve in any case wherein he is personally interested. Any two trustees may form a quorum for the transaction of business; but should said townships be without a quorum, it shall be lawful for the trustees in any adjoining township, to perform like duties with like powers, as resident trustees of any such township.

Damages, how paid.

SEC. 9. Any person who shall suffer any damage by cutting any ditch or water-course, or throwing up any embank-

ment, or changing any water-course, shall be paid by those interested in the same, a reasonable compensation in money, to be determined according to the provisions of this act, within thirty days after such damage shall have been ascertained.

Persons aggrieved may appeal to Probate Court.

SEC. 10. When any person shall feel aggrieved by the location of any such ditch, or water-course, or the award and apportionment of such labor and expense, by the township trustees, he or she may, within ten days next ensuing, give notice in writing, to all other persons interested in the same, of his intention to appeal from the decision of the trustees as aforesaid, to the probate judge of the proper county, and shall within fifteen days thereafter, make application to said judge of probate, setting forth his or her grievances, and praying him to appoint a commission to review the same.

Person appealing to give bond for costs.

SEC. 11. That before any such application shall be heard by the said judge of probate, the persons making the same shall enter into bonds with two or more sufficient sureties, in the penal sum of one hundred dollars, conditioned for the payment of all costs that may accrue in consequence of such application for a commission of review.

Probate judge to appoint a commissioner of review.

SEC. 12. That when such application shall be made in accordance with the provisions of the two preceding sections, the probate judge shall appoint a commission of three disinterested freeholders of said county, not residents of the township or townships in which such proposed ditch or water-course shall be located, who shall, within days thereafter, examine and review said proposed ditch or water-course, and the land adjacent thereto, and forthwith make a report of their proceedings to said probate judge.

Commission to report proceedings.

SEC. 13. If it shall appear from the report of the commission of review, that said ditch or water-course was properly located, and equally awarded in labor and expense by said township trustees, the said ditch or water-course shall be cut or opened in said location, and if from the report of said commission it shall appear that the said proposed ditch or water-course was improperly located, or improperly awarded or apportioned, either as to labor, expense or damage, the same shall be changed and located in such manner as shall to the said commission be deemed just.

Costs, how paid.

SEC. 14. If the appellant shall fail to change the location of said proposed ditch or water-course, or of the aforesaid award, labor or expense, wherein he may be interested, he shall be adjudged to pay the cost of the commission of review, and the cost of court; but if the appellant succeed in effecting the change as aforesaid, the probate judge shall make such disposition of the cost as to him shall be deemed just.

Old contracts, how disposed of.

SEC. 15. In case there shall be any unsettled business or contract in the hands of any trustees or commissioners, au-

thorized by the laws of this State, for the purposes aforesaid, wherein the labor shall have been partly performed, and the costs and expenses not fully settled, said trustees or commissioners shall transfer the same, together with all moneys thereto belonging and in their hands, to the trustee or trustees of the proper townships, within sixty days from the passage of this act; and the trustees shall take such action thereon, as they are authorized to take in other cases.

Penalty for neglect.

SEC. 16. Trustees or commissioners failing or neglecting to perform any of the duties imposed upon them by the provisions of this act, shall forfeit and pay a fine of five dollars, for every such neglect, to be recovered before any officer, having competent jurisdiction, for the benefit of common schools in such township, at the suit of any person feeling aggrieved thereby.

Compensation

SEC. 17. The trustees and commissioners of review shall receive as a compensation for their services under this act, one dollar per day each, for the time in which they shall be employed, and the probate judge shall receive the same fees as for like services in other cases.

Relative to ditches, &c., already opened.

SEC. 18. It shall be lawful for the owner or owners of any lands in this State, wherein there shall have been any ditch or water-course heretofore opened or located, to have the same right of action as to labor and expense incurred in opening and keeping the same open, according to the benefit each person interested therein may receive, as is provided for in the foregoing sections, in cases of the original opening of ditches and water-courses.

Repealed. Curwen's R. S., 2145; Curwen's Laws, 1355.

SEC. 19. The act entitled "An act authorizing the trustees of townships to establish water-courses, and locate ditches in certain cases in this State," passed February 24, 1853, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To regulate the agencies of Insurance Companies, not incorporated by the State of Ohio.

Foreign Insurance Companies to furnish State Auditor with a statement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall not be lawful for any agent or agents of any insurance company, incorporated by any other State, than the State of Ohio, directly, or indirectly, to

take risks, or transact any business of insurance in this State, without first producing a certificate of authority from the Auditor of State; and before obtaining such certificate, such agent or agents shall furnish the said Auditor with a statement, under the oath of the President or Secretary of the company for which he or they may act, which statement shall show,

What the statement is to contain.

1st. The name and locality of the company.
2d. The amount of its capital stock.
3d. The amount of its capital stock paid up.
4th. The assets of the company, including,
1st. The amount of cash on hand, and in the hands of agents or other persons.
2d. The real estate unincumbered.
3d the bonds owned by the company, and how they are secured, with the rate of interest thereon.
4th. Debts to the company secured by mortgage.
5th. Debts otherwise secured.
6th. Debts for premiums.
7th. All other securities.
5th. The amount of liabilities due or not due to banks or other creditors, by the company.
6th. Losses adjusted and due.
7th. Losses adjusted and not due.
8th. Losses unadjusted.
9th. Losses in suspense waiting for further proof.
10th. All other claims against the company,
11th. The greatest amount insured in any one risk.
12th. The greatest amount allowed by the rules of the company to be insured in any one city. town or village.
13th. The greatest amount allowed to be insured in any one block.
14th. The act of incorporation of such company.

Insurance companies to authorize agents to acknowledge service of process.

Which statement shall be filed in the office of said Auditor, together with a written instrument, under the seal of the company, signed by the President and Secretary, authorizing such agent to acknowledge service of process, for and in behalf of such company, consenting that service of process upon such agent shall be taken and held to be as valid as if served upon the company according to the laws of this State, or any other State, and waiving all claim of error, by reason of such service. And no insurance company, or agent or agents of any insurance company incorporated by any other State, shall transact any business of insurance in this State, unless such company is possessed of at least one hundred thousand dollars of actual capital, invested in stocks of at least par value, or in bonds or mortgages of real estate, with double the amount for which the same is mortgaged. And upon the filing of the aforesaid statement and instrument, with the Auditor of State, and furnishing him with

State Auditor to issue certificate to Insurance companies.

satisfactory evidence of such investment, as aforesaid, it shall be the duty of said Auditor to issue a certificate thereof, with authority to transact business of insurance, to the agent or agents applying for the same.

What Insurance companies may transact business in this State.

SEC. 2. It shall be unlawful for any agent or agents, of any company incorporated by any foreign government other than a State of this Union, to transact any business of insurance in this State, without procuring a certificate of authority from the Auditor of State, such agent or agents having first filed under oath, in the office of said Auditor, a statement setting forth the charter, or act of incorporation of the company, for which he or they may act, and the matters required to be specified by the first section of this act, and the written authority therein mentioned and furnished evidence to the satisfaction of the Auditor of State, that such company has invested in stocks of some one or more of the States of this Union, or of the United States, the amount of one hundred thousand dollars, and that such stocks are held by citizens of the United States. And the said agent or agents of such company, filing said statement and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority in like manner as is provided for in the first section of this act.

Agents to file with Clerk of Court copies of statement and certificate

SEC. 3. It shall be the duty of the agent or agents, in either of the foregoing sections mentioned, before taking any risks, or transacting any business of insurance in this State, to file in the office of the clerk of the court of common pleas of the county in which he or they may desire to establish an agency for any such insurance company, a copy of the statement required to be filed with the auditor of State as aforesaid, together with the certificate of said auditor, which shall be carefully preserved for public inspection by said clerk; and also to cause said statement and certificate to be published in some newspaper of general circulation in said county, for three successive weeks.

Statement and certificate renewed semi-annually.

SEC. 4. The statement and evidences of investment required by this act, shall be renewed semi-annually, in the months of January and July in each year; the first statement to be made in the month of July next; and the auditor of State, on being satisfied that the capital, securities and investments, remain secure as at first, shall furnish a renewal of certificate, as aforesaid; and the agent or agents obtaining such certificate, shall file the same, together with the statement on which it was obtained, or renewed, in the office of the clerk of the court of common pleas of the county in which such agency is established, and shall cause the same to be published in at least one newspaper of said county.

Losses, how adjusted and paid.

SEC. 5. Whenever any loss shall occur, of any property insured by any company authorized to take risks under this act, it shall be the duty of the agent by whom the insurance

was made; to retain in his possession all moneys belonging to such company which may then be or may thereafter come into his possession, until such loss is adjusted and paid; *Provided*, that if suit shall be commenced by the party insured against such company, the agent may deposit in court double the amount mentioned in the policy, to abide the event of the suit; or if the party insured shall not commence suit within ninety days after the agent shall have given written notice to such party that the loss will not be paid, the agent may thereafter pay over to persons entitled, the moneys of said company. And if any person insured by such company meeting with a loss, shall notify any other agent of such company thereof, it shall be the duty of such agent to retain all moneys belonging to such company, which may then be or may thereafter come into his possession, as hereinbefore required of the agent with whom the insurance was effected.

Copies of papers, by this act, required to be filed with the Auditor.

Sec. 6. That copies of all papers required by this act to be deposited in the office of the auditor of State, certified under the hand of such auditor to be true and correct copies of such papers, shall be received as evidence in all courts and places; in the same manner, and have the same force and effect, as the originals would have if produced.

Penalty.

Sec. 7. Any person or persons violating the provisions of this act, shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisonment in the county jail not more than thirty days, and fed on bread and water only, or both, at the discretion of the court. Violations of the provisions of this act, may be prosecuted by informatien filed by the prosecuting attorney of the proper county, or by indictment of the grand jury.

F. C. LeBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Authorizing County Commissioners to grant further time for the completion of Free Turnpike Roads, and praying for the same.

Commissioners to extend time for completing roads, and may continue taxes.

Section 1. *Be it enacted by the General Assembly of the State of Ohio*, That when the commissioners of any free turnpike road shall fail, either for the want of time or sufficient means to complete such road, it may be lawful for the county commissioners of such county or counties, through which said road may be located, to grant such extension of time, for the

completion of the same, as to them may seem reasonable and proper; *Provided*, that said county commissioners may further continue, or cause to be continued, such special taxes as were, by the original act or acts amendatory, authorized to be assessed for the construction of such road, upon application of a majority of the residents who are chargeable with such special tax.

SEC. 2. This act shall be enforced for four years from and after its passage.

Repealed. SEC. 3. All acts and parts of acts conflicting herewith, are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To extend the jurisdiction of Justices of the Peace in civil cases, and to amend sections four, five, and seven, of the act entitled "an act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in civil cases," passed March fourteenth, one thousand eight hundred and fifty-three.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the act entitled an "act of the jurisdiction and procedure before justices of the peace, and of the duties of constables, in civil cases," passed March fourteenth, one thousand eight hundred and fifty-three, be so amended as to read as follows: Section 4. Under the restrictions and limitations herein provided, justices of the peace shall have exclusive original jurisdiction of any sum not exceeding one hundred dollars, and concurrent jurisdiction with the Court of Common Pleas, in any sum over one hundred dollars, and not exceeding three hundred dollars.

Justices to have jurisdiction in sums not exceeding $300.

SEC. 2. That section five of the above mentioned act, be so amended as to read as follows: Section 5. When the balance claimed to be due, on any open or unsettled account, or on any bill, note; or bond, shall be less than three hundred dollars, the party by whom such balance shall be claimed, may commence his action therefor before a justice of the peace, who shall have power, and he is hereby authorized to hear and determine the matters in controversy, without regard to the original account or contract, and he may render judgment for any balance found due not exceeding three hundred dollars; and if any plaintiff appeal from a judgment entered in his favor for such balance, and shall re-

Powers of Justices in certain cases.

Appeal.

cover judgment for a sum greater than three hundred dollars, besides interest and costs, he shall not recover costs, on such appeal.

SEC. 3. That section seven of the above named act, be so amended as to read as follows: Section 7. If any debtor shall appear before a justice of the peace, without process, and confess that he is indebted to another, it shall be lawful for such justice, on the application of the creditor, to render judgment on such confession against the debtor for any sum not exceeding three hundred dollars. Judgment by confession.

SEC. 5. That the original sections, four, six, and seven, of the act to which this is amendatory, be, and the same is hereby repealed. Repealed.

F. C. LEBLOND.
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

Curwen's R. S., 2053; Curwen's Laws, 1279.

May 1st, 1854.

AN ACT

To provide for the purchase and distribution of Geiger's Tax Tables, for the use of Auditors' offices, in Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Secretary of State be, and he is hereby authorized and required to contract with John Geiger, of Marion county, for three hundred volumes of his table of tax calculations, for the use of the State, conditioned, that the same shall be furnished on or before the fourth day of July next, clearly and well printed, on fine and substantial paper, neatly bound in half morocco, gilt binding, and otherwise executed in a correct and workmanlike manner, at a cost not exceeding thirty-five hundred dollars. Secretary of State to purchase. Conditions.

SEC. 2. That on the receipt of said volnmes, and his acceptance of the fulfilment of said contract, it shall be the duty of the Secretary of State to provide for the speedy delivery of one copy of said work to the Auditor of each of the several counties of the State, and such additional copies of the same to counties where he shall be satisfied, and the Auditor thereof shall certify, additional copies will be required; and he shall preserve the remainder for the use of the State, in the several counties, as the same may be required. To be distributed to County Auditors.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To authorize Manufacturing Companies to increase their capital stock, in certain cases.

Manufacturing and Gas Companies may increase their capital stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company heretofore, or that may hereafter be incorporated and organized under the laws of this State, and in accordance therewith, for building and manufacturing purposes, including gas companies, are hereby severally authorized, upon a vote to that effect of a majority of the stockholders, to increase, from time to time, their capital stock to an amount not exceeding the actual outlays and expenditures of such company, in the legitimate business thereof; a record of such vote, and the amount of such increase of stock shall be made, filed, and kept in the same manner and place as the original stock of such company is, by law, required to be recorded, filed or kept; Provided every such increase of capital stock shall be made up by the actual payment of the amount thereof, in money, into the funds of such company; and no such increase of capital stock shall be allowed or recognized in law, unless the same shall have been actually paid up in money, as aforesaid, in good faith; and in no event shall such company use its credit for the purpose of raising funds for the payment of such increase of capital stock; and all bonds or other obligations made or issued for such purpose, shall be void and of no effect. The stockholders of any company heretofore organized or incorporated, which may increase its capital stock agreeably to the provisions of this act, shall be held individually liable for all debts due and owing by said company, except the stockholders of gas companies, who shall be individually liable in a further amount over and above the amount of stock by them severally subscribed, equal in amount to such stock.

Proviso.

Stockholders individually liable.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To amend section forty-nine of the Code of Civil Procedure of the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-nine of the Code of Civil Proce-

dure of the State of Ohio, be, and the same is hereby amended so as to read as follows: Section 49. An action against the owner of a line of mail stages, or other coaches, for an injury to person or property, upon the road or line, or upon a liability as carrier, and any action against a Railroad Company, may be brought in any county through or into which such road or line passes; and said original section forty-nine, is hereby repealed.

Actions against Stage or Railroad Companies—where brought.

Sec. repealed. Curwen's R. S. 1946. Curwen's Laws, 1172.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st 1824.

AN ACT

Supplementary to the act entitled "an act defining the jurisdiction and regulating the practice of Probate Courts," passed March 14, 1853, and to amend said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second section of the act entitled "an act, defining the jurisdiction and regulating the practice of Probate Courts," passed March 14, 1853, be amended so as to read as follows: Section 2. The Probate Court shall have exclusive jurisdiction, except as hereinafter provided.

Section amended.

Prescribing the jurisdiction of Probate Courts.

First. To take the proof of wills and to admit to record authenticated copies of wills executed, proved and allowed in the Courts of any other State, Territory, or country.

Second. To grant and revoke letters testamentary, and of administration.

Third. To direct and control the conduct, and to settle the accounts of executors and administrators, and to order the distribution of estates.

Fourth. To appoint and remove guardians, to direct and control their conduct, and to settle their accounts.

Fifth. To grant marriage licenses, and licenses to ministers of the gospel to solemnize marriages.

Sixth. To make inquests respecting lunatics, insane persons, idiots, and deaf and dumb persons, subject by law to guardianship.

Seventh. To make inquests of the amount of compensation to be made to the owners of real estate, when appropriated by any corporation legally authorized to make such appropriation.

Eighth. In the criminal cases hereinafter specified.

Ninth. To try contests of the election of justices of the peace.

Probate Judge shall not act as an administrator or guardian.

SEC. 2. That section eight of said act be amended so as to read as follows: Section 8. Letters testamentary, or of administration or guardianship, shall not be issued to any person, after his election to the office of Probate Judge, and before the expiration of his term of office; and if any Probate Judge shall be interested as heir, legatee, devisee, or in any other manner, in any estate which would otherwise be settled in the county where he resides, all such estates, and all accounts of guardians, in which said probate judge may be interested, shall be settled by the Probate Court of an adjoining county.

Appeal from Probate to Com. Pleas Court.

SEC. 3. That appeals may be taken from any order, decision, or decree, of the Probate Court, in settling the accounts of an executor, administrator, or guardian, or in the proceedings for the completion of real contracts, by any person against whom such order, decision or decree shall be made, or who may be affected thereby, to the Court of Common Pleas, and the cause so appealed shall be tried, heard, and decided in the Court of Common Pleas, in the same manner as though the said Court of Common Pleas had original jurisdiction thereof: *Provided*, that no such appeal shall be taken unless the value of the property, or the amount in controversy, exceeds the sum of one hundred dollars.

Proviso.

Appellant to give undertaking to abide the decision of appellate court.

SEC. 4. The person desiring to take an appeal as provided in section three, shall within twenty days after the making of the order, decision, or decree, from which he desires to appeal, give a written undertaking, executed on the part of the person appealing, to the adverse party, with one or more sufficient sureties, to be approved by the Probate Judge, and conditioned that the party appealing shall abide and perform the order, judgment, or decree, of the appellate court, and shall pay all moneys, costs and damages, which may be required of or awarded against said party, by such court. When the order, decision or decree, from which the appeal is taken, directs the payment of money, the undertaking shall be in double the amount thereof, and in other cases, in such amount as shall be prescribed by the Probate Court.

Probate Judge to make transcript of docket in case of appeal.

SEC. 5. The Probate Judge shall, upon the giving of the undertaking, as provided in section four make out an authenticated transcript of the docket or journal entries, and of the order, decision or decree, appealed from, which shall be filed with the clerk of the Court of Common Pleas, on or before the second day of the term of said court next after an undertaking is given, as hereinbefore provided, by the person appealing, and the appeal shall thereupon be considered perfected. The original papers, pertaining to the cause, may be used upon the trial, or hearing, in the Court of Common Pleas.

No undertaking required in certain cases.

SEC. 6. When an appeal is taken as hereinbefore provided, by any person as executor, administrator, or guardian, who has given bond as such in this State, no undertaking shall be required from such executor, administrator or guardian.

Duty of common pleas clerk.

SEC. 7. Upon the decision of any cause, appealed to the Court of Common Pleas, the clerk of said court shall make out an authenticated transcript of the order, judgment and proceedings of said court therein, and shall file the same with the probate judge, who shall record the same, and the proceedings thereafter shall be the same as if such order, judgment and proceedings, had been had in the probate court.

Books kept by probate judge.

SEC. 8. The following books shall be kept by the probate court, and blank books for the purpose, shall be procured by the county auditor, at the expense of the county:

A criminal record.

1st. A criminal record, in which shall be made a fair and accurate entry of all criminal actions instituted in said court, with the proceedings had therein.

Civil docket.

2d. A civil docket, in which shall be noted the names of parties to all actions and proceedings, and the name of the deceased person, infant, insane person, idiot, or lunatic, in the matter of whose estate the said court shall exercise jurisdiction; it shall also contain a minute of the time of the commencement of such actions and proceedings, and filing the papers relating to any matter in such court, and also a brief note of all orders made in such action, proceeding, or matter, and the time of entering the same.

Journal.

3d. A journal, in which shall be kept minutes of all official business, transacted in the probate court, or by the probate judge, in all civil actions and proceedings.

Record of wills.

4th. A record of wills, in which shall be recorded all wills proven in such court, with a certificate of the probate thereof, and all wills proven elsewhere, with the certificate of probate, authenticated copies of which have been admitted to record by said court.

Final record.

5th. A final record, which shall contain a complete record in each cause, or matter, of all petitions, answers, and demurrers, motions, returns, reports, verdicts, awards, orders, and judgments; and which record shall be made up and completed within ninety days after the final order or judgment shall have been made in any of the matters aforesaid; and he shall also, within thirty days after the return of the same, record all inventories, sale bills, and allowances to widows, in a book to be provided for that purpose.

Record of accounts.

6th. A record of accounts, which shall contain an entry of the appointment of executors, administrators and guardians, and all partial and final accounts of executors, administrators and guardians, and the orders and proceedings of

the courts thereon, within sixty days after the filing and approval of the same.

Execution docket.

7th. An execution, dockets to which shall be entered a memorandum of all executions issued by the probate judge, both in civil and criminal cases, stating the names of the parties, the name of the person to whom delivered, and his return thereon. It shall also contain the date of issuing the execution, and the amount ordered to be collected, stating the costs separately from the fine or damages, and the payments theron, and the satisfaction thereof, when the same is satisfied. To each of said books shall be attached an index, securely bound in the volume, which shall at all times be kept up with the entries therein, and refer to such entries alphabetically, by the names of the parties or person in which it is originally entered, indicating the page of the book where the entry is made.

Repealing clause. Curwen's R. S., 2041-2-3; Curwen's Laws, 1267-8-9.

SEC. 9. That sections two, eight and eleven, of the act aforesaid, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To amend the "act to re-organize the Benevolent Institutions of the State of Ohio," passed April 28th, 1852, and to repeal section 7 of said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the "act to re-organize the Benevolent Institutions of the State of Ohio," passed April 28th, 1852, be amended so as to read as follows:

Account certified by superintendent, and approved by committee.

"SECTION 7. All accounts for claims against said institutions, for salaries, provisions, clothing, medicine, repairs, buildings, fuel and other expenses, shall be certified by the superintendent of the institution against which such claim exists, endorsed on the back thereof "approved," by at least one of the committee ad-interim, and presented to the Auditor of State, who shall examine and adjust the same, and if found correct, the Auditor shall issue bills, payable at the State Treasury, for the sums which shall be found due, specifying in each bill the date of its issue, the name of the person to whom payable, on what account, and the appropria-

tion from which it is drawn, and the same shall be paid by the Treasurer of State, out of any moneys in the Treasury appropriated for the use of such institutions.

SEC. 2. That original section seven of the before recited act, is hereby repealed. Repealing clause. Curwen's R. S., 1813; Curwen's Laws, 1051.

F. C. LEBLOND,
Speaker of the House of Representatievs.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To abolish the Criminal Court in the county of Hamilton, and to transfer the unfinished business of said Court, to the Court of Common Pleas, in the First District.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all recognizances taken or continued, so as to require the appearance of the accused before the Criminal Court in Hamilton county, at the January term, eighteen hundred and fifty-five, be then removed to the Court of Common Pleas of the first District, to be there tried and adjudged as if they had originated, or commenced by indictment or otherwise, in the Court of Common Pleas, and to be in all respects subject to all the powers and jurisdiction whatsoever, vested by law in the court last named; and all bonds and recognizances taken and entered into before justices of the peace, or other examining court in the county of Hamilton, in any criminal matter, shall, after the January term, eighteen hundred and fifty-five, be continued, for the appearance of parties and witnesses, in the Court of Common Pleas, in the First District. Business of criminal court transferred to court of common pleas, after January 1855.

SEC. 2. That all such recognizances be held by the clerk of the Court of Common Pleas, without formal certificate, subject to the full power and jurisdiction of the said Court of Common Pleas, as though the said recognizances had been formally certified to such court; and the said court shall have such powers and jurisdiction in criminal matters, in the county of Hamilton, as are conferred by law upon the Courts of Common Pleas in other counties in this State. Recogizances in criminal court, transferred to common pleas without formal certificate

SEC. 3. That at least fifteen days prior to the first Monday in every month, the clerk of the Court of Common Pleas in said first district, shall proceed to draw from the jury box, in the manner prescribed by law, the names of twenty-seven jurors, the first fifteen of whom shall be summoned to serve as grand jurors, and the remaining twelve shall be summon- Duty of clerk in drawing jurors.

ed to serve as petit jurors, for the trial of criminal cases; their term of service to commence on the first Monday of the month next succeeding; and said clerk shall forthwith issue a venire to the sheriff, accordingly; *Provided*, That if, in the opinion of the judges of said court, the criminal business thereof will not require the attendance of a grand or petit jury, upon the first Monday of any month, they may give notice, in writing, to the clerk, who shall file and deposit the same in his office, and which shall excuse the sheriff and clerk from drawing and summoning a grand or petit jury, for the next succeeding month.

Proviso.

Act repealed. Curwen's R. S., 1722; Curwen's Laws, 968. Curwen's R. S., 1734; Curwen's Laws, 978.

SEC. 4. That the act entitled "An act to create a court of criminal jurisdiction, in the county of Hamilton," passed March 12, 1852; also, the act "further to regulate the practice, and provide for the jurisdiction of the criminal court of Hamilton county, to direct the transfer of certain business now remaining in the Court of Common Pleas, for the first district, from the last named court into the first named," passed April 30, 1852, also, the act "to extend the jurisdiction of the criminal court of Hamilton county," passed March 14, 1853, be, and the same are hereby repealed.

When to take effect. Curwen's R. S., 2248; Curwen's R. S., Laws, 1449.

SEC. 5. This act is to take effect, and be in force, from and after the first day of January, in the year eighteen hundred and fifty-five.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To prevent the adulteration of Alcoholic Liquors.

The adulteration of, or sale of adulterated liquors prohibited.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall adulterate any spirituous or alcoholic liquors, by mixing the same with any substance of whatever kind, except as hereinafter provided; or if any person shall sell or offer to sell any spirituous or alcoholic liquors, knowing the same to be thus adulterated, or shall import into this State, any spirituous or intoxicating liquors, and sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors, not inspected as hereinafter provided, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, nor less than one hundred

Penalty.

dollars, and shall be imprisoned in the jail of the county, not more than thirty, nor less than ten days.

Probate judge to appoint inspector.

SEC. 2. The probate judge in each county in this State shall appoint a competent chemist as inspector, whose duty shall be to inspect all alcoholic liquors imported into or manufactured in the county in which he is inspector, unless the same shall have the inspector's brand of some other county in this State, which brand shall be evidence of the purity of the article.

Inspector to give bond.

SEC. 3. Said inspector shall, before entering upon the duties of his office, give an undertaking which shall be approved by the judge of probate, in the penal sum of not less than one hundred, nor more than one thousand dollars, running to the county, and shall take and subscribe an oath to faithfully discharge the duties of his office.

Duty of inspector.

SEC. 4. Said inspector shall keep an accurate account of all liquors by him inspected, and place his mark on the casks or barrels, pure, if so found, if not, impure; and when he shall find any adulterated liquors, he shall give notice to the prosecuting attorney of the county, of the person owning and offering for sale, or offering for sale such adulterated liquors, who shall forthwith institute proceedings against such persons as hereinafter provided; and if, upon said trial, he, she, or they shall be found guilty of a violation of any of the provisions of this act, said inspector shall forthwith destroy such adulterated liquor. Said inspectors shall each be entitled to receive for their services aforesaid, two dollars per day, and mileage at the rate of five cents per mile, for each mile he may necessarily be required to travel in the discharge of his duties, from the owner of the same, or the person offering to sell.

Compensation.

Fraud, how punished.

SEC. 5. Any person who shall put into any barrel, cask, or other vessel, branded or marked pure, by any inspector in this State, adulterated liquors, or sell or offer for sale such liquors for the purpose of deceiving any persons by the sale thereof, shall be deemed guilty of an attempt to practice a fraud, and upon conviction thereof, shall be imprisoned in the penitentiary not more than twelve months.

Liquors may be adulterated, for medical or mechanical purposes.

SEC. 6. The provisions of this act shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts, from adulterating liquors for medical and mechanical purposes.

Prosecutions before Probate Court.

SEC. 7. Prosecutions for violations of the first section of this act, shall be commenced by information filed in the probate court of the proper county, by the prosecuting attorney thereof; which information may be filed without a previous examination before a magistrate, and the proceeding, after

the filing of the information, shall be the same as other criminal cases in the probate court.

F. C. LEBLOND,
Speaker of the House of Representatives
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To amend an act entitled, "an act to provide for the organization, supervision, and maintenance of Common Schools," passed March 14, 1853.

Tax levied for school purposes, 1½ mills on the dollar valuation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-three of the act entitled, "an act to provide for the re-organization, supervision, and maintenance of Common Schools," passed March fourteenth, one thousand eight hundred and fifty-three, be, and hereby is so amended as to read as follows: Section 63. For the purpose of affording the advantages of a free education to all the youth of this State, the State common school fund shall hereafter consist of such sum as will be produced by the annual levy and assessment of one and one-half mill on the dollar valuation, on the grand list of the taxable property of the State; and there is hereby levied and assessed annually, in addition to the revenues required for general purposes, the said one and one-half mills upon the dollar valuation as aforesaid, and the amount so levied and assessed, shall be collected in the same manner as other State taxes; and when collected, shall be annually distributed to the several counties of the State, in proportion to the enumeration of scholars, and be applied exclusively to the support of common schools.

Section repealed.

SEC. 2. That section sixty-three of the act to which this is amendatory, be, and the same is hereby repealed.

Curwen's R. S., 2228; Curwen's laws, 1435.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Further prescribing the duties of County Treasurers, and to provide for the collection of delinquent taxes.

Duty of treasurer in returning list of delinquent tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter it shall be the duty of the several county treasurers of this State, in making return of their delinquent list of personal property, to the auditor of their county, to note on the marginal list of said return, the county and State to which any such delinquent tax-payer may have removed to, or reside in, with the date of his removal, if he shall be able to ascertain such fact.

Further duty of treasurer.

SEC. 2. It shall be the duty of the several county treasurers in this State, immediately after their settlement with their county auditor, to make out and forward to the county treasurer of the county to which any such delinquent tax-payer may have removed to, or reside in, a statement or account of taxes so assessed and not paid, which statement or account shall specify the value of property, on which said taxes were levied, and the and the amount of taxes levied thereon, to which he shall add an amount equal to the sum of twenty-five per centum on the taxes so levied, if said delinquent tax-payer shall have left the county in which said taxes were levied after the time required by law for the county auditors to deliver the tax-duplicate to the county treasurer; but if he shall have left the county previous to the time required by law for the delivery of said tax-duplicate to the county treasurer, then the said treasurer shall not add the twenty-five per centum.

Treasurer to collect delinquent taxes.

SEC. 3. It is hereby made the duty of the several county treasurers of this State, immediately on the receipt of any such statement or account, to proceed and collect the same of the person so charged with said taxes and per centum, for which services he shall be allowed the same fees that county treasurers are now allowed for collecting delinquent taxes, by process, to be collected of the person against whom said taxes are charged.

Treasurer to remit delinquent taxes to proper county

SEC. 4. For the collection of all taxes, interests, penalty and costs mentioned in this act, the several county treasurers of this State shall have the same powers that are now or may hereafter be given by any law of this State for the collection of taxes; and all taxes collected pursuant to the provisions of this act, by any county treasurer of this State, shall be by him remitted, in the safest and most convenient way, to the treasurer of the county to which said taxes belong; and at the same time he shall forward a statement to the county auditor of said county, stating the amount so collected, and of whom; and in case he shall be unable, from any cause whatever, to collect the same, then, and in that case,

he shall return the original statement or account to the county auditor of the county from which it was sent, together with the cause or causes why said taxes could not be collected, certifying in his official capacity to the same.

Commissioner shall cause the delinquent list to be publicly read, &c.

SEC. 5. It shall be the duty of the several county commissioners in this State, annually, at their March session, to cause the delinquent list of personal property, to be publicly read on the second day of said session; and said commissioners may, at any time, direct their county treasurer to proceed to collect, in the manner prescribed in this act, any delinquent taxes due their county; it is further made the duty of county treasurers, county auditors, and county commissioners, to examine the delinquent lists of the four years preceding the one for the year 1853, and if there shall be found charged thereon, any delinquent taxes not paid, and which they believe can be collected, they shall proceed in the same manner to collect the same, as is provided for the collection of other delinquent taxes, in this act, except there shall be added to said taxes no per centum, but an amount equal to the interest on said taxes, from the time said taxes were due.

Duty of treasurer, when tax payer shall have left the State.

SEC. 6. If such delinquent tax-payer shall have removed out of the State, or have property, moneys or credits due, or to become due in this State, it shall be the duty of the treasurer of the county where such property may be, or in which such tax was assessed, to proceed to collect the same by distress, attachment, or other process of law; and when so collected, said treasurer shall be entitled to retain, in addition to the fees allowed him, as specified in section three of this act, a further sum sufficient to pay a reasonable fee for such legal advice and services as he may require.

Taxes, how distributed.

SEC. 7. All taxes collected under the provisions of this act, shall be distributed by the county auditors in the same manner that other delinquent taxes are now required to be by law. This act to take effect and be in force from and after its passage.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To amend an act defining the powers and prescribing the duties of the Board of Public Works, passed February 28th, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections three, four, five, six, seven, and eight, of an act entitled, "an act defining the powers, and prescribing the duties of the Board of Public Works," passed February 28th, 1852, be so amended as to read as follows, to wit: Section 3. The members of the Board of Public Works shall designate one of their number to act as President of said Board, who, in addition to his duties as acting commissioner, shall perform such duties as are, or shall be required by law of the President thereof; and the said Board shall divide the Public Works of this State as nearly equal as they may deem practicable, into three districts, which districts, may be designated by such name as the Board may deem proper; and the commissioners shall each take charge of one of the said districts, as may be assigned to him by said Board, and be responsible, to the extent of his power and authority, for the due and faithful administration of the affairs of the district under his particular charge.

Sections amended.

Board of Public Works, how organized.

SEC. 4. All moneys derived from tolls on the canals, turnpikes, or other improvements of the State, as well as all moneys derived from leases of water-power, or the sales of land held by the State for canal purposes, or from any other source appertaining to the interest or management of the public works of the State, shall be paid into the State Treasury, on the certificate of the Auditor of State; and all payments of money, whether in the nature of awards, or for superintendence, or repairs of the canals, turnpikes, or other improvements under the care and supervision of the Board of Public Works, or for any other object or purpose authorized by law, shall be made by the check of one of the acting commissioners, on the Auditor of State, whose duty it shall be to issue his draft on the State Treasury, for the amount specified, in said check, and to charge the same to the particular work or improvement on which the expenditure arose. No check shall be made until after the consideration on which it is based shall have been actually rendered; and every check shall be made in the name of the particular person to whom the money is due, and shall set forth with as much detail as proper brevity will admit, the nature of the indebtedness, whether incurred for materials, labor, superintendence, or otherwise, and to what object, and at what point, said materials, labor, or superintendence were applied. Every check shall distinctly set forth the specific appropriation which authorizes its payment, and shall be accompanied with a certificate of the superintending engineer, which shall name the person or persons to whom there is indebtedness, and state the particular work on which it occurred, and the location

Manner of conducting the financial affairs of the Public Works.

thereof, and whether by contract or otherwise. The check and certificate herein required, shall be registered in books, one to be kept by the engineer, and one by the commissioner.

Duty of toll collectors.

SEC. 5. Collectors of tolls shall, in addition to such other duties as may, from time to time, be required of them, collect all water-rents due the State, or hereafter to become due, and make return of such collections, and pay over all moneys thus collected, in the same manner, and at the same time, they are by law required to make return of, and pay over the tolls by them collected; and it is hereby made the duty of the President of the Board of Public Works, within three months from the passage of this act, to furnish the Auditor of State attested copies of all leases for water-power, which are now in force; and thereafter, from time to time, to furnish said auditor attested copies of all new leases, and of all renewals or modifications of those now in force, within thirty days after such lease, renewal or modification shall be made by said Board. And it shall also be the duty of said Board, within the time above prescribed, to furnish attested copies of said original leases, renewals or modifications, to each collector of tolls, on whom the duty of collecting the water-rents therein provided, is imposed.

President of the Board to furnish State Auditor copies of all leases now in force, &c.

Board to appoint resident engineers and lock tenders.

SEC. 6. The Board of Public Works shall have power to appoint five Resident Engineers, and assign to them the supervision of such part of said works, as in their opinion shall be for the best interest of the State, under such rules and regulations, not contrary to law, as may be from time to time prescribed by said Board; said Board shall hire such number of lock tenders as may be for the interest of the public works. The member of said Board, and Resident Engineer, having under charge and supervision the same part of said works, shall have power to appoint such number of superintendents of repairs, for such part of said works as in their opinion the labor to be performed and the interest of the State may require. The Governor, by and with the advice and consent of the Senate, shall appoint the collectors of tolls, inspectors and weigh masters, for the public works of the State; and it is hereby made the duty of the Board of Public Works, on or before the first Monday of January, in each year, to report to the Governor the number and location of each of said officers necessary for the transaction of the business pertaining to each, as well as whose terms of office will expire during the ensuing year, and of any vacancy in any office to be filled by him under the provisions of this act; *Provided*, that no appointment shall be made under the provisions of this act, which shall interfere with, or annul any commission or appointment now in existence, made by the Board of Public Works, before the expiration thereof, or vacancy happening therein; and, provided, fur-

Governor to appoint collectors of tolls with the consent of the Senate.

Proviso.

ther, that in case of a vacancy, by resignation, removal, or otherwise, in any of the officers herein designated to be appointed by the Governor and Senate, at a time when the General Assembly shall not be in session, the Governor shall have power to appoint a person to fill such vacancy during the unexpired term. Every person appointed to office according to the provisions of this act, by the Governor and Senate, shall receive a certificate thereof, signed by the Governor, and countersigned by the Secretary of State; and those appointed by the Board of Public Works, shall receive a certificate thereof, signed by the President of said Board. No person shall be appointed under the provisions of this act, for a longer period than one year, and until their successors are appointed and qualified, except those appointed by the Governor and Senate, which shall be for two years; *Provided*, that the collectors of tolls, inspectors and weigh masters, now holding appointments from the Board of Public Works, by renewing their bonds, shall continue in their offices until the same shall be filled by the Governor and Senate, unless they shall be sooner removed by the Governor and said Board, for the causes, and in the same manner provided in this act. Every person appointed to office under the provisions of this act, may be removed at any time before the expiration of his term, by the person or persons, or body corporate from whom such officer holds his appointment, for neglect of duty, or other malfeasance in office. The person to be removed shall be furnished with a written specification of the cause of his removal; and before the taking effect of such removal, shall have twenty days to produce testimony before the person or persons by whom he is removed, to show that the causes of removal are untrue; and if he shall so produce satisfactory evidence that the charges against him are not true, then he shall be restored to his office; *Provided*, that the person or persons desiring to make such removal, shall have power to appoint a person for the time being, to take charge of the business of such office. Every officer appointed under the provisions of this act, shall, before entering on the duties of their office, take and subscribe an oath that he will faithfully and diligently discharge all the duties appertaining to his appointment, and promote to the extent of his ability the interest of the State, so far as the same may be legally in his power. Every collector or other officer, in any wise interested with the collection or disbursement of tolls, or other revenue pertaining to the public works, shall, previous to assuming the duties of his appointment, give bond to the State of Ohio, for the faithful discharge of the duties of his office, which said bond shall be made to the acceptance of the acting commissioner who has in charge that division of the public works in which said officer is located, and having been approved, shall be immedi-

Persons appointed to receive a certificate.

Term of office.

Toll collectors, &c., by renewing bonds, may remain in office.

How removed.

Proviso.

Oath of office.

Bond.

ately deposited in the office of the Auditor of State. Said bond shall be made in such penal sum as may be ordered by the Board of Public Works; *Provided*, it shall in no case be less than fifty per cent. of the amount of public moneys collected or disbursed by the same officer in the preceding year, and shall be conditioned for the faithful collection, disbursement, paying over and accounting for all moneys which shall come into his hands, belonging to the State; *Provided*, that if any officer named in this act, whose duty it is to collect or disburse any of the public moneys, shall be found by any member of the Board, Engineer, or Governor, acting dishonestly with said moneys, he shall be forthwith removed, and another person appointed to take charge of such office by the person first discovering such dishonesty; and should such removal be by a member of the Board or Engineer, their action in the case shall be by them forthwith reported to the Governor for his approval.

Conditions of bond.

Officer acting dishonestly, to be removed.

Auditor of State to examine and compare abstracts and accounts.

Sec. 7. It is hereby made the duty of the Auditor of State to cause all the rolls, abstracts, and accounts of the collectors of tolls upon the canals and slack-water improvements of this State, for the last season of navigation, to be thoroughly examined and compared with each other, so that any discrepancy between the amounts credited by the collectors receiving any moneys, and the check kept by any other collector, shall be ascertained; and in case of any such discrepancy, the clearance upon which said moneys purports to have been received, shall be examined for the purpose of ascertaining the true amount received; and if the said Auditor shall, after having ascertained the state of the accounts for the last season, deem it for the interest of the State to examine and compare as above, any part, or all of the rolls, abstracts and accounts, for previous years, he is hereby authorized to cause such examination to be made, and also for each ensuing year; and for the purpose of such examination, if necessary, he is hereby authorized to employ an additional clerk for such time as he may find necessary.

Additional clerk.

Compensation

Sec. 8. Collectors of canal tolls, shall receive for their services, a fixed minimum salary of four hundred dollars per annum, to be paid out of the State Treasury, in quarterly instalments, at the close of each quarter; and in addition thereto, the Auditor of State shall, annually, on the fifteenth day of November, ascertain the amount of money collected and paid into the State Treasury, by each collector, and allow to each of said collectors, six per centum on the first thousand dollars, five per centum on any sum between one and two thousand dollars, four per centum on any sum between two and three thousand dollars, three per centum on on any sum between three and four thousand dollars, two per centum on any sum between four and five thousand dollars, and one per centum on any sum over five thousand dol-

lars by him collected, and actually paid into the State Treasury, during the year ending on said 15th day of November; *Provided*, the compensation above authorized, shall in no case exceed fifteen hundred dollars per annum; and no additional charge or allowance shall be made for office rent or clerk hire. Engineers shall receive an annual salary of fifteen hundred dollars. Inspectors, weigh masters, and superintendents shall each receive an annual salary of six hundred dollars. The compensation provided in this section, shall, in each case, be paid in equal quarterly installments, by the draft of the Auditor of State, drawn at the close of each quarter, on the second Monday of February, May, August, November, annually. Proviso.

SEC. 2. The original sections 3, 4, 5, 6, 7 and 8, of the act to which this is amendatory, are hereby repealed. Sections repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

Curwen's R. S., 1741–2. Curwen's Laws, 984–5.

May 1st, 1854.

AN ACT

To regulate the fees of Clerks of the Courts of Common Pleas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Clerks of the several Courts of Common Pleas, and District Courts of this State, shall, for services hereinafter specified when rendered, receive the fees hereinafter provided, and no more.

SEC. 2. For docketing each case, in appearance docket, ten cents; for indexing each case in same, direct and reverse, ten cents; for entering the voluntary appearance of plaintiffs and defendants, ten cents each; for filing each precipe, pleading, writ, order, deposition, undertaking, bond, notice, verdict, transcript, exhibit, warrant of attorney, indictment, affidavit, bill of exceptions, or other necessary documents, five cents; for taking each affidavit, fifteen cents; for issuing each summons, summons in error, notice, capias, or order of arrest, order of delivery, order of attachment, order of injunction, mandamus, mandate, execution, habeas corpus, attachment for contempt, order of reference, writ of dower, writ of partition, order or writ of sale, or any other order or writ, (excepting a subpœna,) wherein the number of words does not exceed three hundred, thirty cents; for issuing any such writ, execution, or order, (excepting a subpœna,) wherein the number of words exceeds three hundred, ten cents for each one hundred words; for entering an order to advertise, twenty cents; for entering proof of publication, Fees of Clerks of the Court of Common Pleas.

ten cents; for entering a rule for pleading, five cents; for taking an undertaking, bond or recognizance, thirty cents; for taking justification of bail, on notice, fifty cents; for endorsing or entering allowance of bail, five cents; for entering an exoneration of bail, ten cents; for entering the return of each writ or order, (excepting executions and subpœnas,) five cents: for entering an appointment of a guardian, for suit, ten cents; for issuing venire for jury, to be charged in each case wherein there is an issue made up, fifteen cents; impanneling a jury, in each case tried by jury, and administering the oath, fifteen cents; for a certificate to each tales juror, for his fee, ten cents; for calling and entering each tales juror, five cents; for swearing constable, in each case tried by jury, five cents; for issuing a subpœna, wherein there is but one witness named, ten cents; and for each additional name on the subpœna, five cents; for swearing each witness and making entry of same, five cents; for entering attendance of each witness, five cents; for a certificate to each witness for his fee, ten cents; for issuing a certificate of qualification of a witness for grand jury, ten cents; for entering each case on the bar and court calendars of each term, ten cents; for indexing each case, ten cents, for each term the same shall remain on the docket; for entering an order, verdict, rule or judgment, on the journal, when the number of words does not exceed one hundred, ten cents, and ten cents for each additional one hundred words, such entry may contain over that number; for transcribing or posting an order, verdict, rule, or judgment, on the appearance docket, ten cents; for entering satisfaction of a final order, or judgment, to be taxed as an item of original costs, ten cents; for entering an assignment of a judgment or final order, ten cents; for entering each continuance, discontinuance, dismissal, or settlement of a case, ten cents; for entering a notice of appeal, ten cents; for entering on the journal the finding of an indictment, ten cents; and entering on the journal any plea not required to be in writing, ten cents; for polling a jury, when required, fifty cents; for attending to the striking of a special jury, and issuing a venire thereof, one dollar; for drawing a cost bill, which shall be taxed but once in each case, forty cents; for making up a complete record in each case, ten cents for each one hundred words such record may contain; for making out copies of process, pleadings, records, files, or any proceedings in a case, (with the seal annexed when required by a party or the law,) ten cents for each one hundred words; for docketing each execution issued, ten cents; for making direct and reverse index to each execution issued, ten cents; for entering and recording the return of an execution where the number of words does not exceed one hundred, ten cents; for entering and recording the return ef an execution, where the

number of words exceeds one hundred, ten cents for each one hundred words; for each certificate with the seal of the court annexed, excepting when affixed to a copy required by a party, or the law, fifty cents; for each certificate to which the seal of the court is not required, and not herein otherwise provided for, twenty-five cents; for a search of files, records, or dockets, excepting for a party or an attorney, ten cents; for taking and entering a declaration of intention to become a citizen of the United States, and for a certified copy of such entry under the seal of the court, twenty-five cents; for entering the final admission of an alien, [to] the rights of citizenship, and for a certified copy thereof, under the seal of the court, twenty-five cents; for issuing license to a peddler, fifty cents; for issuing license to an auctioneer, a ferry keeper, or any other license, ordered by court, fifty cents; for receiving poll books of justices' elections, certifying elections therefrom, administering oath and entering same of record, one dollar, to be paid by each justice on receiving his commission; for receiving and disbursing moneys, (other than costs and fees,) paid over to such clerks in pursuance of an order of court or on judgments, and which has not been collected by the sheriff or other proper officer, on order or execution, to be taxed against the party charged with the payment of such money, a commission of two per centum on the first thousand dollars, and of one per centum on all exceeding one thousand dollars.

Fees in criminal cases.

SEC. 3. That the fees accruing to the Clerk for services rendered by him in any criminal case, wherein the State fails to convict, or to collect the costs during the next vacation after sentence, shall be paid out of the county treasury, on the order of the county Auditor, which shall issue upon the certificate of said clerk.

SEC. 4. That for drawing each grand jury and issuing a venire therefor, the clerk shall receive a fee of one dollar; for certifying for fees of each grand juror, ten cents; and for all services rendered to the grand jury, he shall receive the same fees as are allowed for similar services in a cause pending in court, the same to be paid out of the county treasury, in the same manner as the fees specified in the preceding section.

Fees for miscellaneous services.

SEC. 5. That the several clerks of the said courts shall receive from the treasuries of their respective counties, in the same manner as the fees specified in the last two preceding sections, the following fees for miscellaneous services, performed by them respectively: for making out abstracts of elections, (except justices' elections,) for each one hundred words, ten cents; for each certificate, with the seal of the court attached to abstracts, fifty cents; for certifying for fees of Judges and Clerks of elections, ten cents each; for certifying the enumeration of white male citizens over the age of

twenty-one years, to the Secretary of State, one dollar; and for filing each list of such enumeration, ten cents; for apportioning jurors to the several townships, copying the names, and placing the same in the jury-box, three dollars annually; for making up and completing general indexes, direct and reverse, of all judgments, final orders and decrees, fifteen cents for each case so indexed; for making out lists of unclaimed costs, and paying same to the Treasurer, five per centum on the amount of money paid; for reporting annually to the County Commissioners the amount of fines assessed by their respective courts, one dollar; for reporting annually to Prosecuting Attorney, amount of fines and costs, collections thereon, &c., three dollars; for reporting annually to Auditor of State as to collections of costs in Penitentiary cases, one dollar; for each civil jury list certified to county Treasurer, fifty cents; for distributing the laws, journals and documents of the State, five dollars annually.

Commissioners to furnish stationery.

SEC. 6. That the County Commissioners shall furnish to the clerks of courts of their respective counties, all blank books, blanks, statonery, and all other things necessary to the prompt discharge of their duties; all which articles the clerks may themselves procure, and shall be allowed for upon their certificate.

Repealing clause.

Curwen's R. S., 1831. Curwen's Laws, 1068. Curwen's R. S. 1931. Curwen's Laws, 1163. Curwen's R. S., 1868. Curwen's Laws, 1102,

SEC. 7. That the act entitled "an act to regulate the fees of clerks of the courts of common pleas," passed May 1, 1852, and section fifty-two of the act entitled "an act to regulate the election of State and county officers," passed May 3, 1852, and section three of the act entitled "an act to provide for collecting the statistics of crime," passed May 1, 1852, be and the same are hereby repealed.

SEC. 8. That this act shall take effect, and be in force from and after its passage.

F. C. LEBLOND,
Speaker of the House of Represeniatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To abolish the office of Commissioner of the State Land Office at Defiance, to provide for the sale of Lands to actual settlers, at said office, and to create the office of Land Agent.

Office of land commissioner abolished.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the office of Land Commissioner of the State Land Office at Defiance, in this State, be, and the same is hereby abolished; and immediately after the passage of this act, there shall be appointed by the Governor, by and with

the advice and consent of the Senate, a Land Agent, who shall keep an office at Defiance, aforesaid, for the sale of all the lands of the State, which have heretofore been for sale at said office, and now remaining unsold. Also, all lands which may hereafter, by any law of Congress, be ceded to the State. Land agent.

SEC. 2. That said land agent shall hold his office for, and during the term of four years, and until his successor shall be appointed and qualified, unless sooner removed, and shall have all the powers, and perform all the duties heretofore enjoined on the commissioner, according to law; and before entering upon the duties of his said office, the said land agent shall enter into bond, with three or more sureties, freeholders of the State of Ohio, to be approved of by the Governor, payable to the State of Ohio, in the sum of twenty-five thousand dollars, conditioned for the paying over all moneys which may be received by said land agent, in his official capacity, and for the faithful discharge of all and singular the duties of his said office; and if the said land agent shall at any time fail to give such bond, with said sureties, or shall fail in making his returns, and paying over all moneys received by him in his official capacity, as required by law, his office shall be declared vacant; and it shall be the duty of the Governor to fill said vacancy, by appointment, with the advice any consent of the Senate, as prescribed in the first section of this act, if the General Assembly shall be in session at the time such vacancy shall occur; and if the General Assembly shall not be in session at such time, then, and in that case, the Governor shall fill such vacancy, by the appointment of some person to hold said office until the first session of the General Assembly succeeding such appointment, and until his successor is appointed and qualified; and the said agent, appointed under any of the provisions of this act, before entering upon the duties of his said office, shall take and subscribe to an oath or affirmation, before competent authority, to discharge faithfully, and to be the best of his skill and ability, all the duties, of said office; which oath or affirmation shall be endorsed upon his bond, as aforesaid. His term of office. To give bond. Vacancy, how filled. Oath required

SEC. 3. That said land agent shall receive, as a compensation for his services, the sum of three per centum on the amount of moneys received at his said office, in payment of lands sold by him as said agent. Compensation

SEC. 4. That the Land Commissioner of the State Land Office, at this time acting, shall deliver over all the books, papers, and all other property belonging to his office, to such person as may be appointed land agent under this act. Duties of land commissioner as to books, papers, &c.

SEC. 5. That any person holding the office of land agent, shall not purchase, or enter, or be in any manner interested, either directly or indirectly, by himself, agent, or clerk, or any other person whatever, in the purchase of any lands belong- Land agent not to purchase State lands.

ing to the State, or which may hereafter be ceded to the State, and subject to sale at the office of which he is the agent; and any land agent hereafter appointed, agreeably to the provisions of this act, violating any of the provisions of the same, shall, for every such offence, forfeit and pay the sum of one thousand dollars, and be removed from office, upon proof thereof being made to the Governor, whose duty it shall be forthwith to remove said agent; that the fine shall be recovered by civil action, in the name of the State of Ohio, which action shall be brought in the county wherein said land office is situate; and the amount recovered in said action shall be paid into the State treasury, by the prosecuting attorney of such county; and it is hereby made the duty of such prosecuting attorney of such county, to prosecute in behalf of the State, all actions under the provisions of this section, for which service he shall be allowed a reasonable compensation, to be audited and allowed by the Auditor of State, and paid out of the money recovered in such actions.

Penalty.

Land sold to actual settlers at a discount. Proviso.

SEC. 6. That said land shall be sold to actual settlers only, at seventy-five per cent. below the appraised value respectively; *Provided*,, That any person who applies to purchase' for actual settlement, any of said land, at said reduction, shall, before any certificate, or other evidence of purchase or entry, is issued to him or her, by said land agent, make and and subscribe an affidavit that it is, bona fide, his or her intention to enter upon and improve the said tract so purchased, within twelve months from and after said purchase, and that he or she has not made said purchase for the purpose of speculation, but for the purpose of procuring a home for himself, or herself and family; and that he or she is not the owner of any other lot or tract of land whatever; which affidavit shall be witnessed by the land agent, and preserved by him with the records of his office; and no person who may apply to purchase, shall be permitted to purchase more than one quarter of a section of land, as aforesaid.

Purchaser to reside on land within eighteen months, &c.

SEC. 7. That so soon as the purchaser shall actually reside upon the tract by him or her purchased, at any time not exceeding eighteen months from the date of such purchase, and prove to the satisfaction of the land agent, the fact of his or her residence upon such tract, it shall be the duty of the land agent to certify the same to the Governor, and upon the receipt of such certificate of proof, that the purchaser does actually reside upon his or her tract, so purchased as aforesaid, it shall be duty of the Governor to issue, or cause to be issued and delivered, a deed for the tract so purchased.

Agent to administer oaths

SEC. 8. That the affidavits required to be made by this act, may be made and subscribed before the agent, who is hereby authorized to administer oaths in such case; or before any officer having by law a general authority to administer oaths; for administering which oath, the said land

agent shall be allowed to receive the sum of twenty-five cents.

Agent to make return of sales.

SEC. 9. That it shall be the duty of said land agent to make return of all the sales of land made by him, as such agent, and pay over to the Treasurer of State, all moneys received by him for lands so sold, and fully settle with the Auditor of State, as often as once in three months, and at such time, oftener than three months, as the Auditor may direct; and the said land agent shall be governed by the instructions of the said Auditor of State, in relation to the time and manner of paying over such moneys, making returns, and settling with said Auditor, and the keeping of the books of his office.

If purchaser dies, title to vest in heirs.

SEC. 10. That in the event of the death of any purchaser, before the expiration of eighteen months from the time of his or her purchase, there has been a failure to actually reside upon the tract, by him or her so purchased, the title shall, in such case, vest in the heirs and legal representatives of such purchaser.

Land appraised at a higher rate, reduced to two dollars.

SEC. 11. That the appraisement of lands now subject to entry or sale, at the State land office, and all lands which may hereafter be ceded to the State, by any law of Congress, which have been heretofore appraised, in pursuance of law, at more than two dollars per acre, is hereby reduced to the sum of two dollars per acre, and shall be sold to actual settlers, at seventy-five per cent. reduction, agreeable to the sixth and seventh sections of this act.

Repealing clause.
Curwen's R. S., 1331.
Curwen's R. S., 1574.
Curwen's R. S., 1802; Curwen's Laws, 1040.
Curwen's R. S., 2097; Curwen's Laws, 1319.

SEC. 12. That the act passed February eighth, eighteen hundred and forty-seven, entitled "An act to establish the price of the Miami, Wabash, and Erie and Ohio Canal lands, and to secure their sale to actual settlers," and the act amendatory thereto, passed March 23, A. D. 1850, and the act to abolish the offices of register and receiver of the State land office, at Defiance, to regulate the sale of lands at said office, and to create the office of land commissioner, passed April 16, A. D. 1852, and the act supplementary thereto, passed January 12, A. D. 1853, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To amend "an act prescribing the duties of County Treasurers," passed March 12, 1831, and to repeal section thirteen of said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That section thirteen of "an act prescribing the duties of County Treasurers," passed March twelfth, one thousand eight hundred and thirty, one, be, and the same is hereby so amended as to read as follows: Section 13. That the county treasurer shall, immediately after receiving from the auditor of his county, a duplicate of the taxes assessed upon the property of such county, cause notices to be posted up in three places in each township throughout the county, one of which shall be the place of holding elections in the township, and also to be inserted in some newspaper having general circulation in his county, for six successive weeks, specifying particularly in said notices the amount of tax levied on the duplicate, for the support of the State government; for the payment of interest and principal of the public debt; for the support of State common schools; for defraying county expenses; for the repairing of roads; for keeping the poor; for the building of bridges; for township expenses, and for each other object for which tax may be levied on each dollar valuation; also, on what day the treasurer, or his deputy, will attend at the place of holding elections in each township, for the purpose of receiving such taxes; and the treasurer or his deputy shall attend for the purpose aforesaid, on the day, and at the place named in such notices; and shall attend at his office at the seat of justice, until the twentieth of December, to receive taxes from persons wishing to pay the same; *Provided*, that the county commissioners of any county, at their stated meeting in June, in any year, if they shall deem it necessary for the convenience of the citizens of any township, or townships, in their county, to enable them to pay their taxes, without attending at the county seat, may make an order, requiring the county treasurer to attend one day in such township, or townships, for the purpose of receiving taxes, and shall notify the treasurer thereof, and the treasurer shall be bound to attend accordingly, and shall state in the notices to be given as aforesaid, on what days he will attend in said township or townships, for that purpose.

Manner of collecting the taxes.

Treasurer to give notice.

Proviso.

Repealing clause.

SEC. 2. Original section thirteen of the above recited act, "and the fifty-second section of the act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April 13, 1852.

Curwen's R. S., 2414; Curwen's Laws, 238. Curwen's R. S., 1783; Curwen's Laws, 1021.

F. C. LEBLOND,
Speaker of the House of Representatives,
ROBERT LEE,
President of the Senate, pro tem

May 1st, 1854

AN ACT

To amend an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3d, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 62 of an act entitled "an act to provide for the organization of cities and incorporated villages," passed May 3rd, 1852, be so amended as to read as follows: The city council shall have power to establish a board of health, to invest it with such powers and impose upon [it] such duties, as shall be necessary to secure the city and the inhabitants thereof from the evils of contagious, malignant, and infectious diseases; provide for its proper organization, and the election or appointment of the necessary officers thereof; and make such by-laws, rules and regulations for its government and support, as shall be required for enforcing the prompt and efficient performance of its duties, and the lawful exercise of its powers; they shall have power to establish a city watch, or police, to organize the same under the general superintendence of the mayor, marshal, or other officer of the police. prescribe its duties, and define its powers, in such manner as will most effectually preserve the peace of the city, secure the inhabitants thereof from personal violence, and their property from fire and unlawful depredations; they shall establish and organize fire companies, and provide them with proper engines, and such other instruments as shall be necessary to extinguish fire, and preserve the property of the inhabitants of the city from conflagration; and provide such by-laws and regulations for the government of the same, as they shall deem expedient; and each and every person who shall belong to any such fire company, shall, in time of peace, be exempt from the performance of military duty under the laws of the State; they shall erect, establish, and regulate the markets and market-places, for the sale of provisions, vegetables, and other articles necessary for the sustenance, convenience, and comfort of the city and the inhabitants thereof; they shall have power to prescribe the times for opening and closing the same, the kind and description of articles which may be sold therein, and the stands or places to be occupied by the venders. The city council shall have full power to prevent forestalling, to prohibit or regulate huckstering in the markets, and adopt such rules and regulations as are necessary to prevent fraud, and to preserve order in the markets; and they may authorize the immediate seizure, arrest, and removal from any market, of any person or persons violating its regulations, as established by ordinance, together with any article in their possession, and the immediate seizure and destruction of tainted or unsound meat or other provision; but no charge or assessment of any kind shall be made or levied in any manner against or upon any farmer or producer of vegeta-

City Council may establish a board of health.

May establish a City Watch.

May organize fire companies.

Regulate the markets.

bles or provision, in bringing the same to any of the markets, in any city, for standing in, or occupying a place, with or without horses and wagons, used in bringing such produce to the market, in any of the market spaces of such city, or in the street contiguous thereto, on market days and evenings previous thereto; *Provided*, however, that nothing contained in this act shall be so construed as to authorize the city council of any city to pass an ordinance for the purpose of assessing or imposing any fine or punishment whatever, upon any farmer or producer, for selling, at any time, within the city, any article of provision or vegetables, to any person or persons in any street or streets, or market spaces, during market hours.

Proviso.

Repealing clause.

SEC. 2. That the sixty-second section of the act to which this is amendatory, be, and the same is hereby repealed.

Curwen's R. S., 1852; Curwen's Laws, 1088.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Authorizing the Board of Public Works to lease the National Road to the highest responsible bidder.

Board to lease the road for ten years.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Board of Public Works be required to lease the National Road, from Springfield to Bridgeport, in this State, to the highest reputable bidder, for the term of ten years from the first day of June, one thousand eight hundred and fifty-four.

Notice for proposals.

SEC. 2. Said Board of Public Works shall give notice in at least one newspaper published in each county through which said road passes, of the place where, and the time when, proposals will be received, for the leasing of said road.

SEC. 3. Said Road may be divided into two or more sections, as the Board of Public Works may think most conducive to the interests of the State; and all moneys derived from any lease or contract, made in pursuance of this act, shall be paid on the certificate of the Auditor of State, to the Treasurer of State, by the contractors, and be accounted for by him as other moneys received into the Treasury, belonging to the Sinking Fund.

Road, how leased.

Contractor to give bond.

SEC. 4. The Contractor or Contractors shall give security to the State for the faithful performance of their contracts,

and that they will keep and deliver up said road at the expiration of their contracts, in as good condition as they receive it, in such amounts as the Board of Public Works may think proper and just; and said contractors or contractor shall not be allowed to charge any higher rate of toll, than is now charged by law, on said road.

Commissioners to view and ascertain the condition of the road.

SEC. 5. That it shall be the duty of the Commissioners of each county through which said road passes, by actual view, to ascertain the true condition of said road at the time it is leased, and to make a record thereof, in their proceedings, at their next regular session thereafter; and shall in like manner view said road, and make a true record of its condition every six months after their first view; and no bond given in accordance with the provisions of this act, by any Contractor, shall be released by the Board of Public Works, until they shall receive from the Commissioners of each county through which said road passes, under their hand, and the seal of the Court of Common Pleas of such county, a certificate stating that said road has been kept in as good repair, during said term of ten years, as it was when leased.

Bonds to be drawn by the Attorney General.

SEC. 6. That the bonds provided for in this act shall be drawn be the Attorney General, and approved by him and the Board of Public Works, which said bonds shall be so drawn as to operate and be a lien on the real estate of the contractors, as well as on the realty of their security.

Further duty of County Commissioners and Board

SEC. 7. It shall be the duty of the Commissioners of each county through which said road passes, to inform the Board of Public Works, without delay, of any violation or non-compliance, of any contractor, of or with the provisions of this act, which may come to their knowledge; and upon receipt of such information, it shall be the duty of said Board of Public Works, at their discretion, to institute proceedings at law for the recovery of damages for such violation or non-compliance.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to "an act to regulate the election, contest of election, and resignation of Justices of the Peace," passed March 11, 1853.

Relative to justices refusing to pay over moneys

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any Justice of the Peace shall neglect, or refuse, on demand, made for that purpose, by the person en-

titled thereto, his agent or attorney, to pay over all money by him received in his official capacity, for the use of such person, the sureties of such Justice of the Peace, or any one of them, may give notice to the trustees of the township in which such Justice of the Peace resides, of the refusal of such Justice of the Peace to pay over money collected by virtue of his office, and that he is unwilling to continue as surety for such Justice of the Peace.

Former security, how released.

SEC. 2. It shall be the duty of the trustees, or City Council upon such notice being given, to immediately inform such Justice of the Peace, in writing, of the refusal of his sureties to continue as such, and that he is required to give other or additional security; and if such Justice of the Peace shall give other security, to the satisfaction of such trustees or City Council, it shall be deemed a substitute for the first security, and shall release them from all further liability as security for such Justice; and if such Justice shall fail to give other security, to the satisfaction of such trustees or City Council, within ten days after having received a written notice from the trustees to that effect, such failure to give security shall be taken and deemed a resignation of his office, and the trustees shall proceed to fill such vacancy as in other cases.

Failure to give other security deemed a resignation.

Trustees to fill vacancy.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to, and amendatory of "An act to create a Sinking Fund for the payment of the principal and interest of the public debt of Ohio," passed March 14, 1853, and to repeal certain sections of said act, and to amend the eighth section of the act entitled "An act to define the duties of the Commissioners of the Sinking Fund, passed April 19th, 1852."

Commissioners may exchange stocks owned by the State for certificates of the funded debt of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Commissioners of the Sinking Fund are hereby authorized, and when an opportunity occurs, they are directed to exchange for certificates of the six per cent. stock, of the funded debt of this State, or to sell, or otherwise dispose of, for money, any and all of the shares of stock held by the State, in any of the railroad companies, canal companies, and turnpike companies of this State; *Provided*, That such shares of stock shall in no case be sold, or otherwise disposed of, except upon cash payment therefor; and in no case shall any such shares be sold, exchanged, or otherwise disposed of, at less than the actual cash value of the same.

Proviso.

Should such commissioners be unable to exchange said stocks for certificates of the funded debt of the State, they may, at such times as they may deem proper, advertise that proposals will be received by them, at their office, in Columbus, for the purchase of any or all of said stocks; such notice shall be published in such newspapers as they may direct, and shall be given at least ninety days before the time fixed for opening said proposals. Proposals shall be considered without respect to the number of shares bid for, and the sale shall be awarded to the highest bidder; *Provided*, That nothing in this section contained, shall be construed to compel the Sinking Fund Commissioners to exchange, sell, or otherwise dispose of any of said stocks, at less than the par value thereof, unless, in their opinion, the interest of the State will be promoted thereby.

Commissioners may advertise for the sale of stock, &c.

Proviso.

SEC. 2. The Commissioners of the Sinking Fund are hereby further directed, in case such shares of stocks are sold, or otherwise disposed of for money, to apply the money thus received, to the Sinking Fund, to be disposed of in the redemption of outstanding bonds of the State, or the purchase of United States Stocks, as prescribed in section six of "an act to create a sinking fund for the payment of the principal and interest of the public debt of Ohio," passed March fourteenth, eighteen hundred and fifty-three, for the application of other moneys belonging to the sinking fund.

Money thus received, to be applied to the sinking fund.

SEC. 3. That section six of "an act to create a sinking fund for the payment of the principal and interest of the public debt of Ohio," passed March 14, 1843, be so amended as to read as follows: Section 6. That whenever an amount of money, applicable to the payment of the principal of the public debt of the State, shall have accumulated in the treasury, equal to, or exceeding the sum of ten thousand dollars, in addition to the amount necessary to pay the accruing interest for the year, it shall be the duty of the Commissioners of the Sinking Fund to immediately apply such moneys to the redemption of so much of the outstanding bonds of the State; *Provided*, they can be obtained at their par value; and if not, then said commissioners shall, as in their opinion will best subserve the interest of the State, apply them to the purchasing of outstanding bonds of the State of Ohio, at the market price thereof, or invest said moneys in stocks of the United States, bearing a rate of interest not less than five per cent. per annum; and in case they invest said moneys, or any part thereof, in stocks of the United States, said stocks shall be deposited with the Auditor of State, and by him safely kept until outstanding bonds of the State shall become due, or can be purchased, upon such terms as it will be the interest of the State to convert said United States stocks into money, for the purpose of purchasing or redeeming outstanding bonds of the State, at which time said United States

Further duty of commissioner.

Proviso.

Further duties of commissioners.

stocks shall be sold, and the proceeds thereof applied to the redemption or purchase of said outstanding bonds, and to no other use or purpose whatever; and a full and detailed statement of their proceedings therein, shall be reported to the General Assembly, at each session thereof; and in any year in which there is no session of the General Assembly, then said report shall be made to the Governor, who shall cause the same to be published.

Commissioners may make requisition on the Auditor of State.

SEC. 4. That section seven of the act recited in the preceding section, be so amended as to read as follows: Section 7. Whenever an opportunity shall offer for the purchase of the bonds of this State, in pursuance of the preceding section of this act, the commissioners of the sinking fund shall make a requisition upon the Auditor of State for an amount sufficient to pay the bonds so offered for redemption; if said commissioners shall determine to invest any moneys in stocks of the United States, then a like requisition shall be made for an amount equal to the proposed investment; and for either purpose, the Auditor of State shall, in pursuance of a requisition, draw his warrant in favor of the person or persons named in such requisition, by said commissioners, and the same shall be paid by the Treasurer of State.

Commissioners to appoint a transfer agent in New York.

SEC. 5. That the eighth section of the act entitled "an act to define the duties of the Commissioners of the sinking fund," passed April 19th, 1852, be and the same is hereby amended so as to read as follows: Section eight. It shall be the duty of the Commissioners of the sinking fund, to select some suitable office, or place in the city of New York, and to appoint an agent who shall reside in said city, and shall

His term of office and duties.

hold his office for the term of two years, and until his successor shall be duly appointed and qualified, by whom, and at which, transfers of the stock of the State may be made, and principal and interest of the foreign public debt to be paid, under such rules and regulations as they may adopt in conformity with the existing laws of the State. The agent

To execute undertaking.

so appointed shall before entering on the duties of his office, execute an undertaking to the State of Ohio, in such sum with such security as may be required by the commissioners, conditioned for the faithful performance of the duties thereof.

Restrictions.

Said agent shall not, either directly or indirectly, appropriate to his own use, any interest that may be received on any public funds placed in his hands or under his control, nor deposit any public funds with any person or institution other than with such person or institution as he may be directed to deposit public funds with, by the Commissioners of

Salary.

the sinking fund. The agent shall receive such salary as may be agreed upon by the Commissioners.

Repealing clause.

SEC. 6. That sections six, seven, eight and nine, of the before recited act, be, and are hereby repealed.

SEC. 7. That the eighth section of the act entitled "an act to define the duties of the Commissioners of the sinking fund," passed April 19th, 1852, be, and the same is hereby repealed. Same,

Curwen's R. S. 2238-9; Curwen's Laws, 1439-40 Curwen's R. S. 1806; Curwen's Laws, 1044.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem

May 1st, 1854.

AN ACT

To authorize Turnpike Road Companies to subscribe to Free Turnpike Roads, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the directors of any Turnpike Road Company, in this State, shall have power, and are hereby authorized to subscribe, and pay over such sums of money as they may think advisable, to any Free Turnpike Road that may intersect their Turnpike Road, that now is, or that may hereafter be built, to build and keep in repair any such Free Turnpike Road; *Provided*, that said subscription does not exceed the dividends of their turnpike road; *and provided also*, that a majority of the stockholders of said Turnpike Road Company consent to said subscription. Powers of Directors of Turnpike Road Companies.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to an act to provide for the organization of Cities and Incorporated Villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in which any city shall be liable to the payment of damages to the owner or occupant of any lots or grounds, by the reason of the grading of any streets, alleys, or other public grounds, or part thereof, the said damages shall be ascertained and assessed by three disinterested reputable freeholders of said city, where such dam- Damages sustained by grading streets, &c., how ascertained and paid.

ages shall be claimed, appointed by the city council of such city. The said assessors, before entering upon their official duties, shall take and subscribe an oath before a justice of the peace, or mayor, that they will well and truly, to the best of their knowledge and ability, appraise the damages which the claimants shall have suffered by reason of such grading, and for which the said city is liable, which oath shall be filed in the office of the city clerk; and the said appraisers shall, within thirty days after their appointment, make said assessment, and file the same in the city clerk's office, where it shall be subject to the inspection of all claimants for damages; and all such damages shall be paid out of the city treasury, and within twenty days thereafter shall be by said treasurer paid or tendered to the party in whose favor said damages were assessed.

Party bringing suit for damages, to pay costs.

SEC. 2. That if any person or persons shall neglect or refuse to accept the amount so assessed, as provided for in this act, and shall prosecute the city, and if by suit for such damages, he or they shall not recover more than the amount allowed by said assessors, such party so prosecuting, shall pay all costs of suit; *Provided*, that no claimant for damages, as aforesaid, shall commence any suit for damages on account of such grading or improvement, until he shall have filed a claim for such damages with the city clerk of the city making such grade or improvement, and sixty days shall have elapsed thereafter, to enable such city to appoint a committee to assess such damages, return the same to the proper officers, and sufficient further time shall have elapsed, not exceeding twenty days after the return of such appraisal, to enable the said city to pay such assessment.

Proviso.

SEC. 3. This act shall take effect and be in force from and after it passage.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to an act to provide for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money, passed April 13, 1852.

Auditor of county may extend time allowed assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county in this State, where it shall prove impracticable for assessors to complete their assessments for the year eighteen hundred and fifty-four, within the period

limited in "an act for the assessment and taxation of all property in this State, and for levying taxes thereon according to its true value in money," passed April thirteenth, eighteen hundred and fifty-three, it shall be lawful for the auditor of said county to extend the time for such assessment, till the fifth Monday in May; and in all such cases the meeting of the county board of equalization shall take place on the second Tuesday after the fourth Monday in May.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to an act entitled "an act to prohibit unauthorized banking, and the circulation of unauthorized bank paper," passed March 12, 1845.

Circulation of paper issued by banks whose charters have expired, prohibited.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any officer or agent of any banking company, or of any other incorporated company, any private banker, broker, dealer in money, the Treasurer of this State, or the Treasurer of any county of this State, or any clerk or agent of any private banker, broker or dealer in money: or any clerk or assistant of the Treasuerer of State, or of the Treasurer of any county of this State, either directly or indirectly to put in circulation, pay out, loan, or exchange, otherwise than to send or deliver for the purpose of redemption, to the company, person or persons, trustee or trustees, bound to redeem the same, any bank note or notes of any bank of this State, whose charter or whose right to issue notes of circulation, shall have expired, or which shall have given notice officially of its intention to close its banking business; and any person or persons who shall violate any of the foregoing provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars for each and every offense, or be imprisoned in the jail of the county, for any period of time not exceeding thirty days, or both, at the discretion of the court; *Provided*, that no such company, after the passage of this act, shall re-issue any of its circulating notes redeemed by it or received in the ordinary course of business, but shall keep a regular account thereof, and monthly, in the presence of the Auditor and Treasurer of State, burn the same.

Penalty

Proviso.

Banks where such paper is redeemed, not to re-issue.

SEC. 2. It shall be unlawful for any person or persons, whose duty it is, or who is, or are bound by any law of this State, to redeem the notes of any banking company, whose charter or right to issue notes of circulation, shall have expired, or which has given notice officially, of its intention to close its banking business; or for any trustee or trustees of such banking company, or any agent of such person or persons, trustee or trustees, as aforesaid, to put in circulation, pay out, loan, or exchange either directly or indirectly, any note or notes of any such banking company, described in this section of this act; and any person or persons offending against the provisions of this section mentioned, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail for any period of time, not exceeding thirty days, or both, at the discretion of the court.

Penalty.

Manner of prosecuting.

SEC. 3. Prosecutions for violations of this act, shall be by information of the prosecuting attorney, or by indictment of the grand jury of the county in which the offence was committed, in the Court of Common Pleas, or any other court having competent jurisdiction of like offences.

Sec. repealed. Curwen's R. S. 1198; Curwen's Laws 780.

SEC. 4. That section six of the act entitled "an act supplementary to the act entitled an act to prevent unauthorized banking, and the circulation of unauthorized bank paper," passed January 22nd, 1846, be, and the same is hereby repealed.

Duty of trustees of banks whose charters have expired.

SEC. 5. It shall be the duty of the trustee or trustees, or agent of any banking company whose charter or right to issue notes of circulation shall have expired, or which has given notice officially, of its intention to close its banking business, to redeem its notes in the order of their presentation; and on the refusal of the trustee or trustees, or agent, to redeem any notes presented for redemption, the holder thereof shall have the same protested, and all protested notes shall draw interest at the rate of 15 per cent. per annum, from the date of protest until redeemed.

When to take effect.

SEC. 6. This act to take effect from and after the first day of December next.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate pro tem.

May 1st, 1854.

AN ACT

Making appropriations for construction, repairs, superintendence and expenses on the Public Works of Ohio, for the years one thousand eight hundred and fifty-four, and one thousand eight hundred and fifty-five.

Appropriations for public works, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be, and they are hereby appropriated out of any money in the Treasury, derived from the Public Works, and not otherwise appropriated, for construction, repairs, superintendence and expenses, on the Public Works of Ohio, for the year one thousand eight hundred and fifty-four, viz:

MIAMI AND ERIE CANAL—NORTHERN DIVISION.

Miami and Erie Canal, Northern division.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the payment of the salaries of superintendents, twenty-five thousand dollars.

For the construction of new work, including lock-houses, and one new State boat, four thousand dollars.

For the payment of balances due on new work, two thousand dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand five hundred dollars.

For the purchase of land, five hundred dollars.

For the payment of awards, by appraisers of damages, five hundred dollars.

OHIO CANAL.

Ohio canal.

For repairs, including materials, labor, and the payment of superintendents' salaries, thirty thousand dollars.

For land appropriated for weigh-lock, at Cleveland, fifteen hundred and sixty dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand and one hundred dollars.

WALHONDING CANAL.

Walhonding canal.

For repairs, including materials and labor, and the payment of the salary of the superintendent, two thousand dollars.

For the construction of a new boat, five hundred dollars.

WESTERN RESERVE AND MAUMEE ROAD.

Maumee road.

For the payment of contracts, six thousand five hundred dollars.

MIAMI AND ERIE CANAL—SOUTHERN DIVISION.

Miami and Erie canal—Southern division.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and payment of salaries of superintendents, twenty-four thousand dollars.

For repairs of Congress street locks, one thousand dollars.

For building culvert at Mohawk Run, Cincinnati, one thousand five hundred dollars.

For preparing timber, and framing superstructure for Mill Creek aqueduct, three thousand dollars.

For preparing timber, and framing superstructure for Lockland aqueduct, two thousand dollars.

For preparing timber and stone for north abutment, Gregory's Creek aqueduct, one thousand dollars.

For preparing timber, &c., for Dick's Creek aqueduct, two thousand dollars.

For rebuilding feeder gates, north of Middletown, two thousand dollars.

For rebuilding lock-gates, one thousand dollars.

For building and repairing dam, near Middletown, seventeen thousand dollars.

For rebuilding two tumbles, at Hamilton Lock, (already done,) three thousand eight hundred dollars.

For rebuilding lock-house, at Middletown feeder, six hundred dollars.

For putting in arches, and roofing Miami aqueduct, three thousand dollars.

For removing bars, and bottoming canal, six thousand dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses fees, and incidental expenses, two thousand five hundred dollars.

For the purchase of land, five hundred dollars.

For the payment of awards, by appraisers of damages, one thousand dollars.

Miami and Erie canal—middle division.

MIAMI AND ERIE CANAL—MIDDLE DIVISION.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and payment of salaries of superintendents, twenty-six thousand dollars.

For completion of Big Flat Rock aqueduct, fourteen thousand five hundred dollars.

For completion of Blue Creek aqueduct, fourteen thousand six hundred dollars.

For the completion of lock number thirty, two thousand five hundred dollars.

For the completion of locks number twenty and twenty-one, seven thousand dollars.

For graveling tow-paths, four thousand dollars.

For repairing locks, at Lockport, and new gates, four thousand and five hundred dollars.

For the purchase of lands, two thousand four hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand five hundred dollars.

For the payment of awards, by appraisers of damages, five hundred dollars.

For head gates, at Port Jefferson, two thousand five hundred dollars.

For feeder to Mercer county reservoir, ten thousand dollars.

For the payment of contractors, one thousand and forty dollars.

DIVISION NUMBER THREE—OHIO CANAL—SOUTHERN DIVISION.

Ohio canal—Southern division, No. 3.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the payment of the salaries of superintendents, twenty thousand dollars.

For the construction of two locks, sixteen thousand dollars.

For re-building chords of Circleville aqueduct, four thousand dollars.

For the payment of awards, by appraisers of damages, four hundred dollars.

For widening, and the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand five hundred dollars.

OHIO CANAL—MIDDLE DIVISION.

Ohio canal—middle division.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the payment of the salaries of superintendents, fifteen thousand dollars.

For reconstruction of lock, draw, and culverts, twelve thousand dollars.

For bottoming out deep cut, at Licking Summit reservoir, four thousand dollars.

For repairing Licking feeder, one thousand dollars.

For the payment of awards, by appraisers of damages, four hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand dollars.

HOCKING CANAL.

Hocking canal

For repairs, including labor, the payment of lock-tenders, materials, tools, and the payment of the salaries of superintendents, six thousand five hundred dollars.

For furnishing materials for culvert, five hundred dollars.

For widening and bottoming out Lancaster side-cut, fifteen thousand dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, six hundred dollars.

MUSKINGUM IMPROVEMENT.

Muskingum improvement.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the payment of the salaries of superintendents, nine thousand dollars.

For reconstruction of lock-gates, three thousand dollars.

For land for lock-house, at Devol's dam, seven hundred dollars.

For lock-house at Devol's dam, four hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees witnesses' fees, and incidental expenses, two thousand dollars.

GENERAL EXPENSES.

Miscellaneous expenses.

For incidental expenses of the office of the board of Public Works, including payment of salaries of Secretary and assistant, office rent and furniture, and fixtures, records, books, and blanks for collections, postage, &c., four thousand dollars.

For payment of the salaries of the members of the Board of Public Works, four thousand five hundred dollars.

For amount awarded to T. H. Stevens' estate, and decreed by Court of Common Pleas of Franklin county, at October term, eighteen hundred and fifty-three, to A. R. Colnell, administrator, one hundred and sixty-four dollars and thirty-three cents.

For amount awarded to T. H. Stevens' estate, and decreed by Court of Common Pleas of Franklin county, at October term, eighteen hundred and fifty-three, to A. R. Colnell, administrator, six hundred dollars.

For the payment of an engineer, to guage the surplus water leased and now used from the Canals, and slack-water improvements of the State, one thousand five hundred dollars.

Additional appropriations.

SEC. 2. In case the amounts appropriated in the preceding section, for repairs on the canals, shall prove insufficient, in consequence of extraordinary floods, or other casualties, the further sum of twenty thousand dollars is hereby appropriated for that purpose, out of any moneys in the treasury, not otherwise appropriated.

Appropriations for 1855;

SEC. 3. The following sums are hereby appropriated out of any money in the treasury, derived from the Public Works, not otherwise appropriated, for the construction, repairs, superintendence, and expenses, on the Public Works of Ohio, for the year one thousand eight hundred and fifty-five, viz:

Miami and Erie Canal—Northern Division.

MIAMI AND ERIE CANAL—NORTHERN DIVISION.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the payment of the salaries of superintendents, twenty-five thousand dollars.

For the construction of new work, including lock houses and one new State boat, four thousand dollars.

For the payment of balances due on new work, two thousand dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand five hundred dollars.

For the purchase of land, five hundred dollars.

For the payment of awards, by appraisers of damages, five hundred dollars.

OHIO CANAL—NORTHERN DIVISION.

Ohio Canal-Northern Division.

For repairs, including materials and labor, and the salaries of superintendents, thirty-one thousand dollars.

For the construction of new work, two thousand five hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand dollars.

WALHONDING CANAL.

Walhonding Canal.

For repairs, including materials and labor, and the payment of the salary of the snperintendent, two thousand dollars.

MIAMI AND ERIE CANAL—SOUTHERN DIVISION.

Miami and Erie Canal—Southern Division.

For repairs, including labor, the payment of lock tenders, draw-bridge tenders, materials, tools, and payment of salaries of superintendents, twenty-four thousand dollars.

For raising and completing Mill Creek aqueduct, two thousand five hundred dollars.

For work at Lockland aqueduct, one thousand dollars.

For work at Gregory's Creek aqueduct, one thousand dollars.

For laying stone at Gregory's Creek abutments, one thousand dollars.

For raising and finishing Dick's Creek aqueduct, one thousand dollars.

For removing bars and bottoming canal, four thousand dollars.

For rebuilding and repairing lock gates, one thousand dollars.

For laying up stone in two locks at Lockland, five thousand dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand five hundred dollars.

For the purchase of land, five hundred dollars.

For the payment of awards, by appraisers of damages, five hundred dollars.

MIAMI AND ERIE CANAL—MIDDLE DIVISION.

Miami and Erie Canal—Middle Division.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and payment of the salaries of superintendent, twenty thousand dollars.

For rebuilding locks number thirty-one and thirty-two, of wood, eight thousand dollars.

For rebuilding aqueduct across little Auglaize, ten thousand dollars.

For rebuilding aqueduct across Jennings Creek, with stone abutments, seven thousand five hundred dollars.

For rebuilding aqueduct at Little Flat Rock, seven thousand dollars.

For rebuilding small culvert, near Jennings, one thousand two hundred dollars.

For repairing locks at Lockport, and new gates, three thousand dollars.

For the purchase of land, five hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand five hundred dollars.

For the payment of awards, by appraisers of damages, five hundred dollars.

OHIO CANAL—SOUTHERN DIVISION.

Ohio Canal—Southern Division.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the salaries of superintendents, twenty thousand dollars.

For the construction of two locks, sixteen thousand dollars.

For the payment of awards by the appraisers of damages, four hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand five hundred dollars.

OHIO CANAL—MIDDLE DIVISION.

Ohio Canal—Middle Division.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the payment of the salaries of superintendents, fifteen thousand dollars.

For re-construction of locks and culverts, twelve thousand dollars.

For bottoming out deep cut at Licking Summit reservoir, two thousand dollars.

For repairing Licking feeder, five hundred dollars.

For the payment of awards by appraisers of damages, five hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses, and incidental expenses, two thousand dollars.

HOCKING CANAL.

Hocking Canal.

For repairs, including labor, the payment of lock-tenders; materials, tools, and the payment of the salaries of superintendents, six thousand dollars.

For re-construction of culvert, one thousand five hundred dollars.

For widening and bottoming out Lancaster side cut, fifteen thousand five hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, six hundred dollars.

MUSKINGUM—IMPROVEMENT.

Muskingum—improvement.

For repairs, including labor, the payment of lock-tenders, draw-bridge tenders, materials, tools, and the payment of the salaries of superintendents, seven thousand dollars.

For re-construction and lock-gates, six thousand dollars.

For lift-lock at Harmar, one thousand five hundred dollars.

For the payment of engineers' salaries, special superintendents, attorneys' fees, witnesses' fees, and incidental expenses, two thousand dollars.

GENERAL EXPENSES.

Miscellaneous repairs.

For incidental expenses at the office of the Board of Public Works, including payment of salaries of secretary and assistant, office rent, and furniture and fixtures, records, books, and blanks; for collectors, postage, &c., four thousand dollars.

For payment of the salaries of the members of the Board of Public Works, four thousand five hundred dollars.

Additional appropriation

SEC. 4. In case the amounts appropriated in the preceding sections, for repairs on the canals, shall prove insufficient, in consequence of extraordinary floods, or other casualties, the further sum of twenty thousand dollars is hereby appropriated for that purpose, out of any moneys in the treasury, not otherwise appropriated.

Deficiency of appropriation for 1853.

SEC. 5. For the purpose of liquidating the deficit in the appropriation made for superintendence, repairs and damages, on the Public Works, for the year eighteen hundred and fifty-three, there is hereby appropriated the sum of forty-nine thousand eight hundred and seventy-one dollars and seventy-six cents, out of any moneys in the treasury, not otherwise appropriated.

Board to file accounts with Auditor of State.

SEC. 6. Within thirty days after the expiration of each quarter of the year, it shall be the duty of the Board of Public Works, to file in the office of the Auditor of State, a full and detailed statement of the amounts drawn from the treasury, during the preceding quarter, under each of the foregoing appropriations, with corresponding vouchers for the

same. The statement shall specify, in detail, the several amounts paid, to whom, at what time, and on what account; and the said vouchers and statement shall be examined and compared, by the Auditor of State, and one or more members of the Board of Public Works, and if found to be in pursuance of law, the Auditor of State shall give to the Board a certificate, setting forth that fact, which certificate shall be deposited in the office of the Board of Public Works, and shall also endorse that fact upon the statement so filed. The said statement shall be published, in the manner pointed out by the act "to provide for the publication of an accurate and detailed statement of the receipts and expenditures of the public revenue," passed March fourteenth, eighteen hundred and fifty-three.

No money to be loaned.

SEC. 7. No moneys by this act appropriated, shall be loaned, with or without interest, to any company, corporation, or individual, or be deposited with any bank, or with any company, corporation or individual; and any violation of the provisions of this section, shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall have been so loaned or deposited, which is hereby declared to be a misdemeanor; and upon conviction thereof, before any court of this State, having competent jurisdiction, the officer or person so loaning, or depositing, contrary to the provisions of this section, such officer or person shall be held to have forfeited his office, and shall be fined in a sum equal to the amount of money embezzled.

Penalties.

Duty of Treasurer.

SEC. 8. And the Treasurer of State is hereby prohibited from paying out of the treasury, any moneys other than those appropriated by law, to be applied to the purpose for which said appropriation was made.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Making appropriations for the payment of principal and interest of the public debt of Ohio, for the year eighteen hundred and fifty-four and eighteen hundred and fifty-five, and levying taxes for said purposes, upon the grand list of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and are hereby appropriated, out of any moneys in the treasury, belonging to the

sinking fund, for the year eighteen hundred and fifty four, viz: for the payment of the semi-annual interest on the foreign and domestic debt of the State, to become due on the first day of July, eighteen hundred and fifty-four and the first day of January, eighteen hundred and fifty-five, eight hundred and eighty-eight thousand dollars; for the payment of interest on school and trust funds held by the State, one hundred and twenty-one thousand dollars.

Appropriations to pay interest on foreign and domestic debt for 1854.

SEC. 2. The following sums are hereby appropriated out of any money in the treasury, belonging to the sinking fund, for the year eighteen hundred and fifty-five, viz: For the payment of the semi-annual interest on the foreign and domestic debt of the State, to become due on the first day of July, eighteen hundred and fifty-five, and the first day of January, eighteen hundred and fifty-six, eight hundred and fifty-three thousand dollars; for the payment of interest on school and trust funds, held by the State, one hundred and twenty-five thousand, five hundred dollars.

Same for 1855.

SEC. 3. All moneys in the treasury, belonging to the sinking fund, over and above the amounts necessary to pay the accruing interest, applicable to the payment of the principal of the public debt of the State, not exceeding two millions of dollars, are hereby appropriated to be applied to the redemption of outstanding bonds of the State, or investment in the sinking fund, agreeably to the provisions of "an act to create a sinking fund for the payment of the principal and interest of the public debt of Ohio," passed March fourteenth, eighteen hundred and fifty-three.

To pay outstanding bonds of the State.

SEC. 4. The commissioners of the sinking fund are authorized and directed, whenever there is money in the treasury, belonging to the sinking fund, and applicable to the payment of interest, for the current year, to negotiate with the holders of outstanding bonds of the State, for the payment of the interest on said bonds, for said year, in advance of the time when such interest becomes due and payable; and if the holders of such bonds, or any part thereof, will make a discount upon such interest, at a rate of not less than five per centum per annum, then the sinking fund commissioners shall immediately make a requisition upon the Treasurer of State, for a sum sufficient to pay such installment or installments of interest in advance, or so much thereof as may be agreed upon, according to the provisions of this section.

Commissioners may pay interest in advance.

SEC. 5. For the payment of the interest upon the foreign and domestic debt of the State, and school and trust funds, held by the State, there shall be, and is hereby levied a tax of one and one-fourth mills on the dollar, on the grand list of taxable property in the State, for the year eighteen hundred and fifty four.

Levy for 1854.

SEC. 6. For the payment of the interest upon the foreign and domestic debt of the State, and school and trust funds held by the State, there shall be and is hereby levied a tax

Levy for 1855.

of one mill on the dollar, on the grand list of taxable property in the State for the year eighteen hundred and fifty-five.

Salary of Transfer agent, &c.

SEC. 7. That there is hereby appropriated out of the sinking fund, for the salary of the transfer agent, in New York city, and contingent expenses of his office, for the year 1854, the sum of five thousand dollars, and for the year 1855, the sum of five thousand dollars; and it is hereby made the duty of the commissioners of the sinking fund, in their annual report, to give a statement in detail of the expenses of the transfer office in New York city.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Making appropriations for General Revenue purposes, for the years 1854 and 1855.

Appropriations for 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be, and they are hereby appropriated out of the money in the treasury applicable for general revenue purposes, to be paid for the year one thousand eight hundred and fifty-four.

Salaries of State officers.

For the payment of the salaries of the governor, lieutenant governor, auditor, treasurer, and secretary of State, the attorney general, State commissioner of common schools, and librarian, ten thousand five hundred dollars.

General Assembly.

For the payment of the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, door-keepers and messenger boys, thirty-six thousand five hundred dollars.

Committee on Lunatic Asylums.

For the payment of the expenses of the joint select committee on the additional lunatic asylums at Newburgh and Dayton in visiting the same, one hundred and twenty dollars.

Judges.

For the payment of the salaries of the judges of Supreme Court, judges of the Court of Common Pleas, judges of the Criminal and Superior Courts at Cincinnati, fifty-eight thousand dollars.

Supreme court reporter.

For the payment of the salary of the Supreme Court reporter, for the year 1852–3, not heretofore appointed, four hundred dollars.

Contingent of auditor.

For the payment of the contingent fund of the auditor of State, two thousand five hundred dollars.

For the payment of the contingent fund of the treasurer of State, fifteen hundred dollars. Treasurer.

For the payment of the contingent fund of the secretary of State, fifteen hundred dollars. Secretary.

For the payment of the contingent fund of the governor, out of which shall be paid the expenses of the Polly negro case, and the fees and expenses of counsel for the State, in the bank cases pending in the Supreme Court of the United States, five thousand dollars. Governor.

For the payment of the contingent fund of the State commissioner of common schools, eight hundred dollars. School commissioner.

For the payment of the contingent fund of the attorney general, seven hundred dollars. Attorney General.

For the stationery for the use of the departments of State, and the general assembly, the additional sum of ten thousand dollars. Stationery.

For the payment of the commissioners to revise the code of civil practice, fifteen hundred and fifty-seven dollars and fifty cents. Code commissioners.

For the payment of charges for the transportation of weights and measures, three thousand eight hundred dollars. Weights and measures.

For taxes refunded, erroneously assessed, four thousand dollars. Erroneous taxes.

For fuel for general assembly and departments of State, one thousand dollars. Fuel.

For the payment of costs and expenses in cases in which the State is a party, three thousand dollars. Costs.

For distribution of the laws, journals and agricultural reports, &c., one thousand dollars. Distribution of laws.

For paying the secretary of the governor, clerks in the auditor's office, one chief clerk at one thousand dollars, one chief clerk in department of public works room, nine hundred dollars, two clerks at eight hundred dollars each, two clerks at seven hundred and fifty dollars each, and two clerks at seven hundred dollars each per annum, three clerks in the Treasurer's office, and two clerks in the Secretary of State's office, one at a salary of nine hundred dollars, and the other at a salary of seven hundred dollars per annum, eleven thousand dollars. Clerks in the executive offices.

For the expenses of the Perry county election contest, three hundred dollars. Perry county contest.

For the completion of the building of the new State House, and to be applied for the finishing of the building of the same, seventy-five thousand dollars, in addition to the appropriation heretofore made. State House.

For the transportation of convicts to the penitentiary and costs of prosecution, the sum of thirty thousand dollars, in addition to the sum heretofore appropriated. Transportation of convicts.

For providing heating apparatus, plumbing sewers, gas works, pipes and fixtures, steam engine, cooking range, &c., Newburgh and Dayton lunatic asylum.

for the lunatic asylum at Newburgh, fifteen thousand dollars; and for the same purpose for the lunatic asylum at Dayton, fifteen thousand dollars.

Officers of the Ohio Penitentiary.

For salary of the warden of the penitentiary, twelve hundred dollars.

For salary of the moral instructor of the penitentiary, seven hundred dollars.

For salary of the physician of the penitentiary, eight hundred dollars.

For salaries of deputy warden and clerk of the penitentiary, fifteen hundred dollars.

For payment of guards, general expenses, provisions and clothing for the penitentiary for the current year, ending November 15, 1854, thirty thousand dollars.

Lunatic asylum, Columbus.

For completing apparatus and fixtures at the lunatic asylum at Columbus, for warming by steam accompanied with forced ventilation, eight thousand dollars.

Private claims

For the payment to H. W. Derby & Co., for five thousand copies of Swan's revised statutes, the sum of twelve thousand five hundred dollars.

For the payment to Robert Neil, for the rent of the room for the use of the House of Representatives, nine hundred dollars.

For the payment to P. Ambos for rent of rooms for the Senate, one thousand dollars.

Lunatic Asylum Columbus.

For payment of balance due for construction of water closets and bathing apparatus in Lunatic Asylum, at Columbus, nine thousand dollars.

For improvement of grounds of said asylum, five hundred dollars.

For salary of moral instructor to said asylum, two hundred dollars.

For re-construction of sewers to said asylum, one thousand dollars.

For salaries of the superintendent, physician, steward and matron of the Lunatic asylum at Columbus, three thousand, two hundred dollars.

For provisions, household expenses, clothing and servants, library, stationery, fuel, labor, medicines and contingent expenses, for the Lunatic Asylum at Columbus, twenty-five thousand dollars.

Deaf and Dumb Asylum.

For salaries of the superintendent, steward and matrons of the Deaf and Dumb Asylum, two thousand dollars.

For salaries of teachers and physicians of the Asylum of the Deaf and Dumb, five thousand nine hundred dollars.

For provisions, household expenses, clothing, fuel, labor, servants and contingent expenses of the Asylum for the Deaf and Dumb, six thousand dollars.

For the salaries and expenses of artisans and assistants of the Asylum for the Blind, two thousand dollars. Blind Asylum

For clothing, provisions, furniture, labor, servants, stationery, materials for work shops, contingencies, for Asylum for the Blind, twenty-five hundred dollars.

For repairs and books, musical instruments and stationery for the Asylum of the Blind, two thousand dollars.

For the State Library for the purchase of books and periodicals, two thousand dollars. State Library.

For payment of witnesses before legislative committees and notarial fees in investigations and other cases, five hundred dollars; the witnesses to receive the same mileage and per diem as are allowed by law in judicial cases. Witness fees.

For printing of the General Assembly and of the departments of State, the additional sum of ten thousand dollars. Printing.

For the payment of the salaries of the Adjutant general and Quartermaster General, each three hundred dollars. Adjutant and Quartermaster General.

For rent of building in which to lodge the public arms, five hundred dollars.

For taking care of the public arms, to be paid on the certificate of the Auditor of State, five hundred dollars. Public arms.

For the payment of the mileage of county Treasurers, eight hundred dollars. Mileage of Treasurers.

For the salaries of the superintendent, matron, physician teachers and steward of the Asylum for the Blind, five thousand five hundred dollars. Blind Asylum

For furnishing legislative halls and Supreme Court room, two hundred and fifty dollars, to be paid upon bills presented to the Auditor of State, if properly verified and found to be correct. Furnishing halls.

For the Agricultural funds, being proceeds of show licenses, three thousand dollars. Agriculture.

For payment of wolf scalp certificates six hundred dollars. Wolf scalps.

For Secretary to the State Commissioner of common schools three hundred dollars.

For the purchase of books for the library in the penitentiary, three hundred dollars out of the visitors fund, to be expended under the direction of the moral instructor. O. P. Library.

To Gere & Abbot, for material for furnishing the House of Representatives present session, thirty-seven dollars and sixty-two cents. Private claims, &c.

To J. H. Riley, for articles furnished the House of Representatives the present session, seventy-two dollars and fifty-two cents.

To C. M. Grant for making secretary for clerk's desk of House of Representatives and repairing locks, ten dollars and seventy-two cents.

To I. N. Whiting, for balance of articles furnished legislature of eighteen hundred and forty-nine and fifty, fourteen dollars and fifty cents.

To Kilbourne, Kuhns & Co., seventy-four dollars and twenty-six cents, for material furnished in fitting up the Hall of the House and Senate Chamber for the year 1852.

To Henry Trevitt, for notarial fees before the committee to investigate charges against the Clerk of the Senate ten dollars.

To Thomas Riordon for eighty-six days attendance on the Supreme Court as messenger and special constable, one hundred and seventy-two dollars.

To Hyde & Schlapp, for fitting up the Senate Chamber for the Session of 1854 as per contract with Secretary of State, sixty dollars and fifty cents.

To Kilbourne, Kuhns & Co., for materials for the use of the Senate for sergeant at arms for the session of 1852, thirty-two dollars and twenty-three cents.

To Thomas Kennedy, for four days services preparing and taking care of both halls of the state house for the reception of the legislature for the session of 1852, as per order of state librarian, twelve dollars.

To Kellogg & Foote, for storing of state arms, sixty dollars.

To Columbus Gas Light and Coke Company for gas for House of Representatives during present session three hundred and nineteen dollars and ninety-three cents.

For the payment of three hundred copies of Geiger,s tax tables, three thousand five hundred dollars; to the Columbus Gas Light and Coke Company, for gas furnished the Senate hall the present session, one hundred and forty-two dollars and seventy-five cents; to Thomas Kennedy, for one hundred and two days service as assistant librarian, one hundred and fifty-three dollars; to Denig & Harry, for sundries for use of the Senate the present session, sixteen dollars and thirteen cents; to A. W. Smith, for cash paid for assistance to the sergeant-at-arms of the Senate, three dollars and fifty cents; to A. P. Sanford, for storing state arms, ninety-seven dollars; to P. Ambos, for the use of furniture in Senate hall during the last and present sessions, one hundred and twenty-five dollars.

Amount to be levied for general revenue purposes.

SEC. 2. There shall be levied for the current fiscal year upon the grand list of the State, in the manner prescribed by the act entitled "an act for the assessment and taxation of all property in this State, and for levying taxes thereon, according to its true value in money," passed April 13, 1852, for general revenue purposes, seven-tenths of a mill on the dollar valuation.

Common School purposes.

For common school purposes, one and one half mills on the dollar valuation, and for school library purposes, one-tenth of one mill on the dollar valuation of the property on the grand list.

SEC. 4. Should there be a deficit in the general revenue fund for the current year, the commissioners of the sinking fund are hereby authorized and directed to loan and transfer to the general revenue fund from the sinking fund a sum sufficient to liquidate said deficit, not exceeding one hundred and fifteen thousand dollars, provided, the same can be done without impairing said sinking fund or reducing it below the amount required for the payment of the interest on the foreign and domestic debt of the State, and the amount of principal prescribed by the Constitution; and the amount so loaned or transferred, shall be paid and returned to said sinking fund, together with six per cent. interest thereon, from the proceeds of the levy for general revenue purposes, herein made for the year eighteen hundred and fifty-four. Proviso in case of deficit.

SEC. 5. The appropriations made in this act are in addition to appropriations heretofore made by laws heretofore enacted.

SEC. 6. That the following sums be and they are hereby appropriated out of any money in the treasury applicable to the ordinary expenditures of government, to be paid out for the year one thousand eight hundred and fifty-five: Appropriations for 1855.

For the payment of the salaries of the governor, auditor, treasurer, and secretary of state, the attorney general, state commissioner of common schools, and librarian, ten thousand dollars. Salaries of State officers.

For the payment of the salaries of the judges of the supreme court, judges of the court of common pleas, judges of the superior courts at Cincinnati, fifty-eight thousand dollars. Judges.

For the payment of the contingent fund of the auditor of state, two thousand five hundred dollars. Contingent fund of the auditor.

For the payment of the contingent fund of the treasurer of state, fifteen hundred dollars. Treasurer.

For the payment of the contingent fund of the governor, three thousand dollars. Governor.

For the payment of the contingent fund of the state commissioner of common schools, eight hundred dollars. School Commissioner.

For the payment of the contingent fund of the secretary of state, fifteen hundred dollars. Secretary.

For the payment of the contingent fund of the attorney general, seven hundred dollars. Attorney General.

For stationery, for the use of the departments of state, twelve thousand dollars. Stationery.

For salaries of the superintendent, physician, stewards and matron of the lunatic asylum at Columbus, three thousand two hundred dollars. Lunatic Asylum, Columbus.

For provisions, household expenses; clothing, servants, library, stationery, fuel, labor, medicines, and contingent expenses for the lunatic asylum at Columbus, thirty thousand dollars.

For salary of the moral instructor of said asylum, two hundred dollars.

Deaf and Dumb Asylum. For salaries of the superintendent, steward, and matrons of the deaf and dumb asylum, two thousand dollars.

For salaries of teachers and physicians of the asylum of the deaf and dumb, five thousand nine hundred dollars.

Clerks in Executive offices. For paying the secretary of the governor, clerks in the auditor's office, three clerks in the treasurer's office, and two clerks in the secretary of state's office, eleven thousand dollars.

State House. For the completion of the building of the new state house, to be applied to the finishing of the offices, and assembly rooms, and furnishing the same, one hundred thousand dollars.

Transportation of convicts. For transportation of convicts to the penitentiary, and costs of prosecution, the sum of thirty-five thousand dollars.

Lunatic Asylum, Columbus. For introduction of gas fixtures into the lunatic asylum at Columbus, the sum of thirty-five hundred dollars.

Lunatic Asylums at Newburgh and Dayton. For the finishing of the heating apparatus, the plumbing, the gas works, the steam engine, fitting up the laundry, and cooking range of the lunatic asylum at Newburgh and Dayton, the sum of ten thousand dollars each.

For bedsteads, beds, bedding, chairs, tables, table ware, kitchen utensils, and salaries of physicians, and attendants, and for medicines, instruments, provision, fuel, and labor, the sum of twenty-two thousand dollars each, for the lunatic asylum at Dayton and Newburgh.

Robert Neil, rent. For the payment of Robert Neil for the rent of rooms for the House of Representatives, nine hundred dollars.

Deaf and Dumb. For provisions, household expenses, clothing, fuel, labor, servants, and contingent expenses of the asylum for the deaf and dumb, eight thousand dollars.

Blind. For the salaries of the superintendent, matron, physician, teachers and steward of the asylum for the blind, six thousand dollars.

For the salaries and expenses of artizans and assistants of the asylum for the blind, two thousand dollars.

For clothing, provision, furniture, labor, servants, stationery, materials for work shops, contingencies for asylum for the blind, four thousand dollars.

For repairs, books, musical instruments, and stationery for the asylum for the blind, two thousand dollars.

State Library. For the state library, for the purchase of books and periodicals, two thousand dollars.

Printing. For printing for the various state departments, ten thousand dollars.

Public arms. For taking care of the public arms, and for rent of building in which to lodge the same, to be paid on the certificate of the governor, one thousand dollars.

Adjutant and Quarter-master General. For the payment of the salaries of the adjutant general, and quarter master general, each three hundred dollars.

Mileage of Treasurer. For payment of the mileage of county treasurers, one thousand dollars.

For taxes refunded, erroneously assessed, four thousand dollars — Erroneous taxes.

For fuel for departments of state, two thousand dollars. — Fuel.

For distribution of public documents, five hundred dollars. — Distribution

For payment of salary of the warden of the penitentiary, twelve hundred dollars.

For salary of moral instructor of the penitentiary, seven hundred dollars.

For salaries of deputy warden and clerk of the penitentiary, fifteen hundred dollars. — Officers of Ohio Penitentiary.

For payment of guards, repairs, general expenses, provisions and clothing for the penitentiary, forty-five thousand dollars.

To the state board of agriculture, three thousand dollars. — Agricultural.

For secretary of the state commissioner of common schools, the sum of three hundred dollars. — Sec'y to school commissioner.

For payment of wolf scalp certificates, two hundred dollars. — Wolf scalps.

SEC. 7. No moneys hereby appropriated, shall be drawn from the treasury of state for any purpose, prior to the time that such money, or moneys, shall become due and payable to the persons entitled to receive the same. — No money paid till due.

The moneys by this act appropriated for the support and maintenance of the deaf and dumb, the blind and lunatic asylums at Columbus, shall be drawn on the warrant of the auditor of state, based on vouchers, presented for moneys duly expended, which vouchers shall be endorsed by the superintendent of the institution incurring the expenditure, and shall also be approved by a member of the committee ad interim, of the trustees of said institution; *Provided*, that five hundred dollars of the sum appropriated for each year by this act, for the general expenses of the asylum of the deaf and dumb; five hundred dollars of the sum so appropriated for each year, for the asylum of the blind; and one thousand dollars of the sum so appropriated for the lunatic asylum at Columbus, shall be a contingent fund, to be expended as may be required for said institution; to be drawn quarterly, and vouchers for the expenditure of the same to be certified and approved as hereinafter provided and audited by the auditor of state. — Proviso.

The money herein appropriated for finishing the new State House, shall be drawn from time to time, on the warrant of the state auditor, based on vouchers, for expenditures duly incurred, which voucher shall be endorsed by the architect of the building, and approved by the superintendent thereof. — Financial affairs of State House, how conducted.

The moneys herein appropriated for finishing the two new lunatic asylums, shall be drawn on the warrant of the auditor, based on vouchers for expenditures duly incurred, which vouchers shall be endorsed by the superintendent of the building for which the expenditure was incurred. — And Asylums

Amount to be levied.

SEC. 8. There shall be levied for the fiscal year A. D. one thousand eight hundred and fifty-five, upon the grand list of the state, in the manner prescribed by the act entitled "an act for the assessment and taxation of all property in this state, and for levying taxes thereon, according to its true value in money," passed April 13th, one thousand eight hundred and fifty-two, for general revenue purposes, six-tenths of a mill on the dollar valuation; for common school purposes, one and a half mills on the dollar valuation; and for school library purposes, one-tenth of one mill on the dollar valuation of the property on the grand list.

For purchase of land.

For the purchase of two acres of land adjoining on the east side of the lot upon which the blind asylum is located, to be attached to said lot, twenty-five hundred dollars.

SEC. 9. No money shall be paid out by reason of any appropriation herein, exceeding the amount lawfully due.

Unexpended balance.

SEC. 10. The unexpended balance of the former appropriation for the erection of an infirmary for the lunatic asylum at Columbus, is hereby transferred to the general revenue fund for the present year.

F. C. LEBLOND,
Speaker of the House of Representatives,
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To provide for the sale of the south-west fractional quarter of Section Number 19, Tp. 11 north, Range one east, in the county of Darke.

Board to sell a tract of land in Darke Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That within ninety days after the passage of this act, the Board of Public Works, after having given thirty days notice, in at least two newspapers of general circulation in the county of Darke, if there be that many, of the time, place, and terms of sale, shall proceed to sell, at the town of Greenville, in the said county, at public out-cry, to the highest bidder, the south-west fractional quarter of section number nineteen, township 11 north, range one east, in said county of Darke; *Provided,* said lands shall not sell for less than five dollars per acre.

Payment—how made.

SEC. 2. That the purchaser of said lands, under the provisions of this act, shall, within three days after the time of said sale, make payment therefor to the collector of canal tolls, at Piqua, in the county of Miami, taking duplicate re-

ceipts for the money so paid, one of which receipts shall be filed with the Board of Public Works; and it shall be the duty of the acting commissioner, within whose division of the Public Works such land is situated, to certify to the Governor that payment has been made in full for said land, according to the terms of sale.

SEC. 3. That the Governor, upon receiving the certificate of the acting commissioner, that payment has been made as required by this act, shall cause a deed, in fee simple, for said tract of land, to be executed and delivered to the purchaser. Governor to make deed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29th, 1854.

AN ACT

To provide against the evils resulting from the sale of Intoxicating Liquors in the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person or persons, by agent or otherwise, to sell, in any quantity, intoxicating liquors, to be drank in, upon, or about the building, or premises where sold, or to sell such intoxicating liquors, to be drank in any adjoining room, building or premises, or other place of public resort connected with said building. Sale of liquors, unlawful when, &c.

SEC. 2. That it shall be unlawful for any person or persons, by agent or otherwise, to sell intoxicating liquors to minors, unless upon the written order of their parents, guardians, or family physician. Unlawful to sell to minors.

SEC. 3. That it shall be unlawful for any person or persons, by agent or otherwise, to sell intoxicating liquors to persons intoxicated, or who are in the habit of getting intoxicated. Unlawful to sell to intoxicated peronss.

SEC. 4. That all places where intoxicating liquors are sold in violation of this act, shall be taken, held, and declared to be common nuisances, and all rooms, taverns, eating-houses, bazaars, restaurants, groceries, coffee-houses, cellars, or other places of public resort, where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances, upon the conviction of the keeper thereof, who shall be punished as hereinafter provided. Places where liquors are sold, declared nuisances.

SEC. 5. That it shall be unlawful for any person to get intoxicated, and every person found in a state of intoxica- Unlawful to get intoxicated.

tion, shall, upon conviction thereof, be fined in the sum of five dollars, and imprisoned in the county jail not more than three, nor less than one day, and pay the costs of prosecution.

Compensation for taking care of intoxicated persons.

SEC. 6. That every person who shall, by the sale of intoxicating liquors, contrary to this act, cause the intoxication of any other person, such person or persons shall be liable for, and compelled to pay a reasonable compensation, to any person who may take charge of, and provide for such intoxicated person, and one dollar per day in addition thereto, for every day such intoxicated person shall be kept, in consequence of such intoxication, which sums may be recovered in a civil action, before any court having jurisdiction thereof.

Persons injured by intoxicated persons, may bring suit.

SEC. 7. That every wife, child, parent, guardian, employer, or other person, who shall be injured in person or property, or means of support by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, such wife, child, parent, guardian, employer, or other person, shall have a right of action in his or her own name, against any person who shall, by selling intoxicating liquors contrary to this act, have caused the intoxication of such person, for all damages actually sustained, as well as exemplary damages; and a married woman shall have the same right to bring suits, prosecute and control the same, and the amount recovered, the same as if a feme sole, and all damages recovered by a minor, under this act, shall be paid, either to such minor, or to his or her parent, guardian, or next friend, as the court shall direct, and all suits for damages under this act, shall be by a civil action, in any of the courts of this State, having jurisdiction thereof.

Penalty for violating section 1, 2, 3, and 4.

SEC. 8. That for every violation of the provisions of the first, second, and third sections of this act, every person so offending shall forfeit and pay a fine of not less than twenty, nor more than fifty dollars, and be imprisoned in the jail of the county for not less than ten, nor more than thirty days, and pay the costs of prosecution, and for every violation of the provisions of the fourth section of this act, every person convicted as the keeper of any of the places therein declared to be nuisances, shall forfeit and pay a fine of not less than fifty, nor more than one hundred dollars, and be imprisoned in the jail of the county for not less than twenty, nor more than fifty days, and pay the costs of prosecution, and such place or places so kept by such person or persons so convicted, shall be shut up and abated, upon the order of the court before whom such conviction may be had, until such time as such person or persons keeping such place or places, shall give bond and security to the acceptance of said court, in the penal sum of one thousand dollars, payable to the State of Ohio, conditioned that he, she, or they, will not sell intoxicating liquors contrary to the laws of this State, and will pay

all fines, costs, and damages assessed against such keeper or keepers, for any violation thereof, and in case of a forfeiture of such bond, suit may be brought thereon, for the use of any person interested, or for the use of the county, in case of a fine, or costs due such county; provided that the provisions of the first and fourth sections of this act shall not extend to the sale of the wine manufactured of the pure juice of the grape cultivated in this State, or beer, ale or cider.

Evasions to be furnished as unlawful selling.

SEC. 9. That the giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, shall be deemed and held to be an unlawful selling within the provisions of this act.

Fines and costs—how collected.

SEC. 10. That for all fines and costs assessed against any person or persons, for any violation of this act, the real estate, and personal property of such person or persons, of every kind, without exemption, shall be liable for the payment thereof; and all such fines and costs, shall be a lien upon such real estate until paid. And in case any person or persons shall rent or lease, any building or premises, and knowingly suffer the same to be used and occupied for the sale of intoxicating liquors, contrary to this act, such building, and premises so leased and occupied, shall be held liable for, and may be sold to pay all fines and costs assessed against the person occupying such building or premises, for any violation of this act, and in case such building or premises belong to any minor, insane person or idiot, the guardian or guardians of such minor or minors, or insane person or idiot, who has control of such building or premises, shall be liable for, and and account to such ward or wards, insane person or idiot, for all damages, in consequence of the use and occupation of such building and premises, and liabilities for such fines and costs, as aforesaid.

Manner of instituting and conducting suit.

SEC. 11. That all prosecutions under this act shall be in the name of the State of Ohio, and shall be commenced upon a written complaint under oath or affirmation before any Justice of the Peace of the county in which said offence was committed, or Mayor of any incorporated town, village or city, or by information or indictment, as may be provided by law for the prosecution of offences, the punishment of which is not capital, or imprisonment in the penitentiary; and upon the filing of such complaint with such justice of the peace, or mayor as aforesaid, such justice of the peace or mayor shall forthwith issue a warrant directed to the proper officer for the arrest of the person or persons charged with a violation of the provisions of this act, and such officer shall forthwith arrest the person or persons named in said warrant, and bring him or them before the justice of the peace or mayor issuing said warrant, and upon the return of said warrant served, such justice of the peace or mayor shall proceed to inquire into the truth of such complaint, unless for good cause shown a continuance is granted at the instance

of either party, and in case of a continuance of said action as aforesaid, the defendant or defendants, shall enter into a recognizance to the State of Ohio, in such sum as the justice of the peace or mayor may deem reasonable, with security to the acceptance of such justice or mayor conditioned for the appearance of said defendant or defendants, at the time fixed for the hearing of said complaint, and in default of such defendant or defendants giving such recognizance as aforesaid, the defendant or defendants shall be committed to the jail of the county, to be safely kept until the time fixed for the hearing of said complaint, and if the parties so recognized shall not appear at the time set for said trial, the recognizance so given by him or them, shall be forfeited by such justice of the peace or mayor, and such officer shall enter such forfeiture upon said recognizance, and also upon his docket, and thereupon such justice or mayor shall forthwith proceed to collect the penalty of said recognizance, by instituting an action thereon, and proceeding with the same to final judgment, and when the same is collected, after paying the costs of such collection, such justice or mayor shall pay over the balance to the township, city, or incorporated village treasury, for the support of common schools, and in all cases of prosecution before justices of the peace, or mayors, if such officer finds the complaint to be true, he shall recognize such defendant or defendants to answer said charge, as in other criminal prosecutions of like grades: *Provided*, that if such defendant or defendants, shall plead guilty, such officer may affix the penalty, and proceed to judgment; and in such case, said officer shall immediately issue an execution against the property and body of the defendant, for the fine and costs, unless paid or secured, and said defendant shall not be discharged until said judgment and costs shall be fully paid, or secured to be paid.

Form of complaint.

SEC. 12. The following form of complaint shall be sufficient in criminal proceedings, before justices of the peace, or mayors, under this act, when applicable, but may be varied to suit the nature of the case, namely:

State of Ohio, ——— County, ss. Before me, A. B., (a justice of the peace for said county, or mayor of, &c., as the case may be,) personally came C. D., who being duly sworn according to law, deposeth and saith, that on, or about the ——— day of ——— in the year ——— at the county of ———, aforesaid, E. F., did sell intoxicating liquors to one G. H., to be drank in the place where sold, (or to G. H., a minor, &c., or a person intoxicated, or in the habit of getting intoxicated. as the case may be, or is the keeper of a room, or tavern, as the case may be, where intoxicating liquors are sold in violation of law,) and further saith not.

Signed, C. D.

Sworn to, and subscribed before me, this ——— day of ——— A. D. ———. A. B., justice, or mayor, &c.

SEC. 13. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold, or to describe the place where sold, and for any violation of the fourth section, it shall not be necessary to state the name of any person to whom sold; and in all cases, the person or persons, to whom intoxicating liquors shall be sold, in violation of this act, shall be competent, as witnesses, to prove such fact, or any other tending thereto. Relative to indictment.

SEC. 14. That "an act to restrain the sale of spirituous liquors," passed March 12, 1851, and "an act further defining the powers of trustees of townships," passed March 12, 1853, be, and the same are hereby repealed; *Provided*, that all suits and prosecutions pending under said acts, or previous violations thereof, shall be prosecuted under said acts, the same as before the passage of this act. Repealing clause.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
May 1st, 1854. *President of the Senate, pro tem.*

AN ACT

To amend the act entitled, "an act to fix and provide for holding the terms of the Courts of Common Pleas, in the several counties of the Ninth Judicial District of Ohio," passed February 24, 1854.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the act entitled, "an act to fix and provide for holding the terms of the Courts of Common Pleas in the several counties of the Ninth Judicial District of Ohio," passed February 24, 1854, be amended so as to read as follows: Section 1. The terms of the Courts of Common Pleas shall be held in the several counties of the ninth judicial district of Ohio, as follows: Terms of the Court of Common Pleas in 9th district.

FIRST SUBDIVISION.

In the county of Stark, on the fourth Monday of March, the fourth Monday of July, and the second Monday of November. Stark.

In the county of Carroll, on the second Monday of April, the fourth Monday of August, and the first Monday of November. Carroll.

In the county of Columbiana, on the first Monday of March, the second Monday of August, and the third Monday of October. Columbiana.

SECOND SUBDIVISION.

Mahoning. In the county of Mahoning, on the fourth Tuesday of February, the last Tuesday of May, and the third Tuesday of September.

Portage. In the county of Portage, on the second Tuesday of February, the second Tuesday of June, and the third Tuesday of October.

Trumbull. In the county of Trumbull, on the second Tuesday of March, the fourth Tuesday of June, and the last Tuesday of October.

THIRD SUBDIVISION.

Ashtabula. In the county of Ashtabula, on the fourth Monday of March, the fourth Monday of June, and the fourth Monday of October.

Lake. In the county of Lake, on the fourth Monday of February, the last Monday of May, and the fourth Monday of September.

Geauga. In the county of Geauga, on the second Monday of March, the second Monday of June, and the second Monday of October.

Section repealed. SEC. 2. That the first section of said act be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To amend an act entitled, an act to fix and provide for holding the terms of the Courts of Common Pleas in the several counties of the Third Judicial District of Ohio, passed March 1st, 1854.

Terms of the Common Pleas in Union, Logan, and Shelby counties. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of section one of the act to which this is an amendment, as provides that the Court of Common Pleas shall commence in Union county on the 20th day of June, in Shelby county on the 11th day of July, and in Logan county on the 27th day of June, shall be, and hereby is suspended for the year 1854 only; and instead of said times, said terms shall commence as follows, in the year 1854: in Union county, June 19th; in Logan county, June 23d; in Shelby county, July 5th.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To provide for the terms of the District Court, in the several counties of the third Common Pleas District.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the District Court shall be held in the several counties of the third Common Pleas District, annually hereafter, as follows: Terms of district courts, third common pleas district.

PART OF FIRST CIRCUIT—THIRD COMMON PLEAS DISTRICT.

SEC. 2. In the county of Shelby, on the first day of August.

In the county of Mercer, on the fourth day of August.

In the county of Auglaize, on the eighth day of August.

In the county of Allen, on the tenth day of August.

In the county of Hardin, on the twelfth day of August.

In the county of Logan, on the fifteenth day of August.

In the county of Union, on the twenty-first day of August.

In the county of Marion, on the twenty-fifth day of August.

In the county of Crawford, on the twenty-eigth day of August.

In the county of Wyandot, on the first day of September.

In the county of Seneca, on the third day of September.

In the county of Hancock, on the eighth day of September.

In the county of Putnam, on the tenth day of September.

In the county of Van Wert, on the twelfth day of September.

In the county of Paulding, on the fifteenth day of September.

In the county of Defiance, on the seventeenth day of September.

In the county of Williams, on the nineteenth day of September.

In the county of Fulton, on the twenty-second day of September.

In the county of Henry, on the twenty-fourth day of September.

In the county of Wood, on the twenty-sixth day of September.

SEC. 3. If from any cause, a failure to hold the prescribed term of the district court, should occur in any of the aforesaid counties, it shall be the duty of the judges of the district court, on giving thirty days' previous notice in such county, to hold therein a special term of the district court, within the same year, to dispose of the business pending; and should important business arise in the district court of any of said Special terms.

counties, which cannot be disposed of for want of time, it shall be lawful for the judges of the district court, if practicable, to hold a special term of said court in such county, at such time as they shall determine, on giving thirty days' notice, in such county, and should the beginning of any term therein prescribed, fall on Sunday, the said court shall be held on the next succeeding day.

Notice to be given, &c.

When term falls on Sunday, courts to be held on succeeding day.

SEC. 4. The second section of the "Act to fix and provide for the terms of the District Court in the several counties of the first circuit, being composed of the second and third Common Pleas Districts of Ohio," passed Feb. 19, 1853, is hereby repealed.

Repealing.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25th, 1854.

AN ACT

To amend an act entitled an act to fix and provide for the terms of the District Court in the several counties of the First Circuit, being composed of the Second and Third Common Pleas Districts of Ohio, and to legalize the acts of the last District Court held in Montgomery county.

Terms of District Court in First Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Section 1st of an act entitled "an act to fix and provide for the terms of the District [Court] in the several counties of the First Circuit, being composed of the second and third Common Pleas Districts of Ohio," passed February 19, A. D. 1853, be so amended as to read, (Sec. 1.) That the terms of the District Court shall be held in the several counties of the second and third Common Pleas District of Ohio, as follows:

SECOND COMMON PLEAS DISTRICT.

In the county of Butler on the 9th day of May.
In the county of Preble on the 19th day of May.
In the county of Darke on the 25th day of May.
In the county of Miami on the 30th day of May.
In the county of Montgomery on the 6th day of June.
In the county of Champaign on the 20th day of June.
In the county of Clarke on the 23d day of June.
In the county of Warren on the 27th day of June.
In the county of Clinton on the 6th day of July.
In the county of Greene on the 11th day of July.

SEC. 2. That the acts and proceedings of the District Court held in Dayton, Montgomery county, on the 6th of

June, A. D., 1853, be, and the same are hereby declared valid, and in full force and authority of law.

Acts of a former Court legalized.

SEC. 3. That Section 1st of an act entitled an act "to fix and provide for the terms of the District Courts in the several counties of the First Circuit, being composed of the second and third Common Pleas Districts of Ohio," be, and the same is hereby repealed.

Repealing.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

Curwen's R. S., 2144.

May 1st, 1854.

AN ACT

To fix and provide for the terms of the District Court in the Third Circuit, being composed of the Fifth and Seventh Common Pleas Districts of Ohio.

Terms of the District Court in

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the terms of the District Court shall hereafter be holden in the several counties of the Fifth Judicial District in the State of Ohio, as follows:

FIFTH JUDICIAL DISTRICT.

The fifth Judicial District

SEC. 2. In the county of Fayette, the first day of May.
In the county of Highland, the fourth day of May.
In the county of Clermont, the eleventh day of May.
In the county of Brown, the twenty-fifth day of May.
In the county of Adams, the first day of June.
In the county of Ross, the eleventh day of September.
In the county of Pickaway, the fifteenth day of September.
In the county of Franklin, the twenty first day of September, and
In the county of Madison, the twenty-eighth day of September.

SEVENTH JUDICIAL DISTRICT.

Seventh Judicial District.

SEC. 3. In the county of Washington, the fourteenth day of April.
In the county of Meigs, the twentieth day of April.
In the county of Gallia, the twenty-second day of April.
In the county of Lawrence, the twenty-fifth day April.
In the county of Sciota, the twenty-seventh day of April.
In the county of Perry, the first day of September.
In the county of Fairfield, the fifth day of September.
In the county of Hocking, the ninth day of September.
In the county of Athens, the twelfth day of September.
In the county of Vinton, the fourteenth day of September.

In the county of Jackson, the sixteenth day of September.

And in the county of Pike, the nineteenth day of September.

Special Terms, when held.

SEC. 4. If, from any cause, a failure to hold the prescribed terms of the District Court, in any of the foregoing counties, should occur, it shall be the duty of the judges of the district, on giving thirty days' previous notice, in such county, to hold a special term of the district court, in such county, within the same year, to dispose of the business pending; and should important business arise in the district court, in any of said counties, which cannot be disposed of at the stated terms of the court, for want of time, it shall be lawful for the judges of the district court to hold a special term of the district court, in such county, at such time as they shall determine, on giving thirty days' previous notice thereof, in in the county.

SEC. 5. Should any day named herein, for the holding of the said district court, hereafter fall upon Sunday, said court shall commence and be holden on the next day.

Repealing clause.

SEC. 6. That the "act to fix and provide for the terms of the District Court in the third circuit, being composed of the Fifth and Seventh Common Pleas Districts of Ohio," passed February the 9th, 1853, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

Curwen's R. S., 2126.

April 17, 1854.

AN ACT

To fix and provide for the terms of the District Courts in the Fourth Circuit, being composed of the Eighth and Ninth Common Pleas Districts.

Terms of District Court in the 4th circuit

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the terms of the District Court, for the year eighteen hundred and fifty-four, and annually thereafter, shall be holden in the several counties of said Common Pleas District, as follows:

8th Common Pleas District.

EIGHTH COMMON PLEAS DISTRICT.

In the county of Tuscarawas, on the first day of August.

In the county of Harrison, on the fifth day of August.

In the county of Jefferson, on the tenth day of August.

In the county of Belmont, on the seventeenth day of August.

In the county of Monroe, on the twenty-fourth day of August.

In the county of Noble, on the twenty-ninth day of August.

In the county of Guernsey, on the first day of September.

In the county of Morgan, on the eighth day of September.

In the county of Muskingum, on the fourteenth day of September.

NINTH COMMON PLEAS DISTRICT. 9th Common Pleas District.

In the county of Geauga, on the fourteenth day of April.

In the county of Lake, on the eighteenth day of April.

In the county of Ashtabula, on the twenty-first day of April.

In the county of Trumbull, on the twenty-sixth day of April.

In the county of Mahoning, on the fourth day of May.

In the county of Columbiana, on the ninth day of May.

In the county of Carroll, on the sixteenth day of May.

In the county of Stark, on the twentieth day of May.

In the county of Portage, on the second day of October.

Special terms, how held.

SEC. 2. If from any cause a failure to hold the prescribed term of the District Court in any county, should occur, it shall be the duty of the judge of the District Court, on giving thirty days previous notice, in such county, to hold a special term of the District Court in such county, within the same year, to dispose of the business pending; and should important business arise in the District Court, in any county, which cannot be disposed of at the stated term of the court, for want of time, it shall be lawful for the judge of the District Court to hold a special term of the District Court, in such county, at such time as the court shall determine, on giving thirty days previous notice thereof in the county.

Term not held on Sunday.

SEC. 3. Should any day named herein for the holding of said District Court, be upon Sunday, the said court shall commence and be holden on the next day.

Repealing clause. Curwen's R. S., 2173.

SEC. 4. That the act entitled "An act to fix and provide for the terms of the District Courts in the Fourth Circuit, being composed of the Eighth and Ninth Common Pleas Districts of Ohio, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

ACTS OF A LOCAL NATURE.

AN ACT

Supplementary to the act entitled "An act to authorize the Commissioners of Hardin county to borrow money for the erection of a Court House and Jail," passed March 14, 1853.

SECTION 1. *Be it enacted by the General Assembly of the Stateof Ohio*, That the County Commissioners of Hardin county, be, and are hereby authorized and empowered to pledge, transfer and sell for such price as they may deem expedient, below par or otherwise, if they shall deem it expedient, the county bonds that have been or may be issued in pursuance of the provisions of the first section of the act to which this is supplementary.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

January 31st, A. D., 1854.

AN ACT

To authorize and empower the Commissioner of Ross county, to borrow money for the erection of a Court House and County Offices, in the city of Chillicothe.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the County Commissioners of the County of Ross, are hereby authorized and empowered, if they shall deem it necessary, to borrow any sum of money not exceeding sixty thousand dollars, for the purpose of erecting and finishing in said county, a Court House and Offices, for the use of the officers of said county, and the safe keeping of the public records; said offices to be included in, connected with, or separated from said Court House, as said Commissioners may deem best, for which said loan, the said commissioners and their successors in office, may issue such certificates or bonds as may be agreed upon between them, and the person or persons, body or bodies corporate, with whom, or of which such loan, or any part thereof, may be contracted, bearing interest at at a rate not exceeding seven per cent. per annum, and redeemable at such time and place, as the said County Commissioners may designate on the face of such certificates or bonds.

SEC. 2. That for the payment of the interest semi-annually on such bonds, and the final redemption of the principal of such loan, the said County Commissioners are authorized to levy a tax in addition to any tax, which may be authorized to be levied for county purposes, not exceeding one mill on the dollar, of the valuation; tax shall be levied and assessed on the same kind of property which may be charged for any county tax, and added to, and collected with such county tax, by authority of the same duplicate, in the same manner, and within the same time, that said county tax may be collected.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

February 15, 1854.

AN ACT

To extend the time of payment for School Section sixteen, Canton township, Stark county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the day the respective installments fall due, be, and the same is hereby given to the purchasers of School Section sixteen, Canton township, Stark county, for the payment of the principal of such purchase money; *Provided,* The interest shall be punctually paid in the manner pointed out by law. *And provided also,* That the Auditor of said Stark county shall require additional security for the purchase money, and accruing interest thereon, at any time, if, in his opinion, the public interest shall require it.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

February 24, 1854.

AN ACT

To authorize the Trustees of the Benevolent Institutions to admit Mrs. Royal Moon, into the Lunatic Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the Board of Trustees for the Benevolent Insti-

tutions, to admit Mrs. Royal Moon, of Huron county, into the Lunatic Asylum, and permit her to remain so long, as the said trustees, in their discretion, shall deem necessary and proper.

F. C. LEBLOND,
Speaker of the House of Representatievs.
ROBERT LEE,
President of the Senate, pro tem.

February A. D., 1854.

AN ACT

To authorize and empower the Commissioners of Coshocton county, at borrow money for the purpose of building a bridge across the Walhonding river, at the town of Walhonding, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of said county of Coshocton, are hereby authorized and empowered, if they shall deem it necessary, to borrow any sum of money, not exceeding eight thousand dollars, for the purpose of building a bridge across the Walhonding river, at or near the town of Walhonding, in said county; *Provided,* That the citizens of Walhonding and others interested, shall first secure by donation, to the satisfaction of said commissioners, a sum sufficient when added to the above eight thousand dollars to complete said bridge, for which said loan, the said commissioners and their successors in office may issue such certificates or bonds as may be agreed upon between them, and the person or persons, body or bodies corporate, with whom such loan or any part thereof, may be contracted, bearing interest at a rate not exceeding seven per centum, per annum, and redeemable at such time and place as the said county commissioners may designate on the face of such certificates or bonds.

SEC. 2. That for the payment of the interest annually on such bonds, and the final redemption of the principle of such loan, the said county commissioners are hereby authorized to levy a tax in addition to any tax which may be authorized to be levied for county purposes, not exceeding one-half of a mill on the dollar of the total valuation of said county, and such additional tax shall be levied and assessed on the same kind of property which may be charged with any county tax by authority of the duplicate in the same manner, and within the same time that said county tax may be collected.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

March 1st, 1854.

AN ACT

To authorize the Probate Court of Huron County to appoint a Trustee or Trustees for Platt Benedict and Clarissa Gallup, to receive, manage, control, and dispose of the funds and estate coming to them by the last will and testament of David M. Benedict, late of the State of Connecticut, deceased, according to the true intent and meaning of said will.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Probate Court of the county of Huron, is hereby authorized and required, upon the petition of the party or parties interested, to appoint a trustee or trustees for Platt Benedict and Clarissa Gallup, which said trustee or trustees, when so appointed, and after giving the bond in the succeeding section of this act required, shall receive of, and from the administrators of the estate of the said David M. Benedict, deceased, such portion of said estate as may by the terms of the will of said deceased, and by the laws of the said State of Connecticut, be coming to the said Platt Benedict and Clarissa Gallup, or to either of them, and shall manage and dispose of the funds and estate so by them received, according to the last will and testament of said David M. Benedict, and the true intent and meaning thereof.

SEC. 2. That said trustee or trustees shall give bond to the State of Ohio in such sum and with such sureties as shall be approved by said Probate Court, conditioned to discharge with fidelity, the trust reposed in him or them, under said will and the provisions of this act; and that suits for a breach of the condition of the said bond or bonds, shall be prosecuted, as suits upon the bonds of executors and administrators, are now or hereafter may be required to be prosecuted by the laws of this State.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 8, 1854

AN ACT

To authorize the Trustees of the Benevolent Institutions to admit Miss Eliza Pine, of Ross county, into the Lunatic Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the Board of Trustees for the Benevolent Institutions, to admit Miss Eliza Pine, of Ross county, into the Lunatic Asylum, and permit her to remain so long, as the said Trustees, in their discretion, shall deem necessary and proper.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 11, 1854.

AN ACT

Authorizing the Commissioners of Medina county to dispose of said county's proportion of the interest arising from the surplus revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the interest retained by the Fund Commissioners of Medina county, arising from the surplus revenue by virtue of an act which is declaratory of, and amendatory to an act entitled "an act to provide for the distribution and investment of this State's proportion in the surplus revenue," passed March 28th, 1837, passed March 19th, 1838, be, and the same is hereby placed, or so much thereof as may be deemed necessary, at the disposal of the county commissioners of the said county, to be by them expended in founding for the said county, a county infirmary with suitable lands and buildings, together with other appurtenances and fixtures necessary for its operations; *Provided,* that nothing in this act shall be so construed as to authorize the said commissioners to appropriate or in any manner to dispose of any portion of the surplus revenue intrusted in the keeping of the State of Ohio.

SEC. 2. Any person or persons who may have control or possession of said interest or any part thereof, are hereby directed and required to pay the same or cause the same to be paid into the treasury of said county, at such times and in such manner as the said commissioners may direct, to be drawn therefrom on the order of the commissioners for the purposes herein mentioned and for no other purposes.

SEC. 3. Any balance of the above mentioned interest of the surplus revenue, that shall not be expended in purchasing lands, erecting buildings, and furnishing appurtenances for said county infirmary, shall be reported by the county treasurer to the auditor of said county, within ninety days after the said infirmary buildings are completed, who shall apportion the same among the different townships of the said Medina county, according to each township's proportion of youth enumerated for common school purposes to be expended for the use and benefit of common schools, and paid over to the township treasurers, in the same manner as other school funds.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 11, 1854.

AN ACT

Authorizing the Trustees of the township of Liverpool, Medina county, to levy a tax for building a bridge across the Rocky River, at the village of Liverpool, in said county.

SECTION 1 *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Liverpool, in the county of Medi-

na, be, and are hereby authorized and empowered to levy a tax, in addition to any tax which may be authorized to be levied for township purposes, not exceeding one thousand dollars, for the purpose, and to be applied to aid in the construction of a bridge across Rocky River, in the village of Liverpool, in said township of Liverpool, at such place as the county commissioners of said county, shall hereafter designate.

SEC. 2. It shall be the duty of the trustees of said township, on or before the first day of June next, to determine, and certify to the auditor of said county, the amount necessary to be raised, for the purpose aforesaid, not exceeding the amount mentioned in the first section, and when so certified, said additional tax shall be levied and assessed, on the same kind of property in said township, which may be charged for any county tax, and be collected with such county tax, by authority of the same duplicate, in the same manner, and within the same time, that said county tax may be collected.

SEC. 3. All money collected and paid into the treasury of said county, by virtue of said additional tax, shall be applied under the directions of the commissioners of said county, exclusively to the erection and construction of said bridge.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 18, 1854.

AN ACT

To extend the time of payment for School Section sixteen, Greene township, Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a further period of five years, from the day the respective installments fall due, be, and the same is hereby given to the purchasers of School section of lands, number sixteen, Greene township, Hamilton county, for the payment of the principal of the purchase money thereof. *Provided*, that the interest and taxes thereon, shall be punctually paid according to law; and *Provided*, further, that the auditor of said county, may require additional security, for the payment of the principal and interest, if, in his opinion, the public interest require it.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate,

March 23, 1854.

AN ACT

To amend the act, entitled "an act to divide the township of Sycamore, in Hamilton county, into two election precincts," passed April 30th, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the act, entitled an act to divide the township of Sycamore, in Hamilton county, into two election precincts, be so amended as to read as follows: That the township of Sycamore, in the county of Hamilton, is hereby divided into two election districts, to be denominated the eastern and western precincts, of Sycamore township, the boundary line between said precincts to be as follows, to wit: Commencing at a point in the south boundary line of said township, at the south-west corner of section 19, and the south-east corner of section 25: thence north on the west-line of section 19 and 20, to the south-west corner of section 21: thence east on the south boundary line of section 21, to the south-west corner of section 15; thence north on the west line of sections 15, 16, and 17, to the south-west corner of section 18; thence east on the south line of section 18, to the south-west corner of section 12; thence north on the west line of sections 12 and 7, to the north boundary line of said Sycamore township, in said county. The places of holding elections in said eastern and western precincts of said Sycamore township, shall be as the trustees of said township shall designate.

SEC. 2. Section one of the act entitled "an act to divide the township of Sycamore, in Hamilton county, into two election precincts," passed April 30th, 1852, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate,

April 3d, 1854.

AN ACT

To authorize the Probate Court of Huron county, to appoint a trustee or trustees, for Platt Benedict and Clarissa Gallup, to receive, manage, control, and dispose of the funds and estate coming to them by the last will and testament of David M. Benedict, late of the State of Connecticut, deceased, according to the true intent and meaning of said will.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Probate Court of Huron county is hereby authorized and required, upon the petition of the party or parties interested, to appoint a trustee or trustees, for Platt Benedict and Clarissa Gallup, which said trustee or trustees, when so appointed, and after giving the bond in the succeeding section of this act required, shall receive of and from the administrators of the estate of David D. Wildman, late of Danbury, in said State of Connecticut, deceased, such portion of the estate of said David M. Benedict, as was held by the said David D. Wildman, at the time of his death, in trust for said Platt and his wife Sally, and for said Clarissa Gallup,

and as may by the terms of the will of said David M. Benedict, and by the laws of said State of Connecticut, be coming to the said Platt Benedict and Clarissa Gallup, or to either of them, and shall manage and dispose of the funds of the estate, so by them received, according to the last will and testament of said David M. Benedict, and the true intent and meaning thereof.

SEC. 2. That said trustee or trustees shall, at the time of his or their appointment, or before entering upon the discharge of his or their duties, give bond to the State of Ohio, in such sum, and with such sureties as shall be approved by said Probate Court, conditioned to discharge with fidelity, the trust reposed in him, or them, under said will and the provisions of this act; and that suits for a breach of the condition of said bond or bonds, shall be prosecuted as suits upon other bonds of executors and administrators are sued, or may hereafter be required to be prosecuted by the laws of this State.

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

AN ACT

To authorize the trustees of the Benevolent Institutions to admit Mrs. Anna Lanterman of Summit County, into the Lunatic Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the Board of Trustees for the Benevolent Institutions to admit Mrs. Anna Lanterman, of Summit county, into the Lunatic Asylum, and permit her to remain so long as the said trustees in their discretion shall deem necessary and proper.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 13, 1854.

AN ACT

Enabling the Trustees of original surveyed township No. 4, range 3, in Warren county, Ohio, to sell section 29 in said township, and the lessees thereof to surrender their respective leases, and purchase the fee simple of the lands so leased.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the trustees of original surveyed township No. 4, range 3, in Warren county, Ohio, to sell section twenty-nine in said

township, in the same manner pointed out for the sale of school lands, by the provisions of the "act to regulate the sale of school lands, and the surrender of permanent leases thereto," passed April 16, 1852.

SEC. 2. *Be it further enacted*, That it shall be lawful for any of the lessees of said section No. 29, in the township aforesaid, whether holding by original lease, by assignment, or sub-lease, or in whatever other form, to surrender their respective leases, and purchase the fee simple of the lands so leased, in the same manner pointed out for the surrender, and purchase of school lands, by the provisions of the act in the first section of this act mentioned.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 17, 1854.

AN ACT

To amend "an act to authorize the County Commissioners of Carroll county, to subscribe to the capital stock of the Carroll County Rail Road Company, and for other purposes," passed March 9th, 1850, and to repeal section nine of said act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section nine, of an "act to authorize the county commissioners of Carroll county, to subscribe to the capital stock of the Carroll County Rail-road Company, and for other purposes," passed March ninth, eighteen hundred and fifty, be amended so as to read as follows: Section 9. Each of said townships which may authorize subscriptions of stock to said company, according to the provisions of this act, shall be entitled to elect a suitable person or persons, as directors of said company, in proportion to the amount of capital stock subscribed, and held in the name of such township, to the capital stock of said company, said directors to be elected on the first Monday of April in each year, by the qualified electors of each of said townships respectively, and in case one or more of said townships shall not have subscribed sufficient stock to entitle such township to elect a director, then such townships shall elect jointly, and the person receiving the highest number of votes in said townships shall be declared elected, and the person or persons so elected as directors, may give their votes upon all questions relative to the control and management of the affairs of said company, and in all other respects act as directors of said company; *Provided*, that the person or persons so elected, shall be stockholders in said company, and the trustees of each of said townships, voting subscriptions of stock to said company, are hereby authorized, whenever they may deem it expedient, and for the interest of the township, to sell or transfer any, or all stock owned by such township in said company, in order to pay off the indebtedness which may arise under this act, and the proceeds of such sale shall be appled to the extinguishment

of an equivalent amount of the indebtedness of such township created, under the provisions of this act; *Provided*, that said company may assume at any time they deem proper, by and with the consent of the bondholders, all or part of the indebtedness of said townships, arising under this act, and discharge the townships from any liability therefor. The directors elected as provided in this section, shall receive a certificate of election from the clerk of the township, within ten days after said election, and upon being duly qualified, shall enter upon the discharge of their duties; *Provided*, that the election for the year 1854 shall be held on the first Monday of May next.

SEC. 2. The original section nine of the before recited act is hereby repealed.

F. C. LEBLOND.
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 17, 1854.

AN ACT

To authorize the trustees of the township of New Castle, Coshocton county, to levy a tax, to aid in building a bridge across the Walhonding River, at the town of Walhonding, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of New Castle township, in the county of Coshocton, be, and are hereby authorized and empowered to levy a tax, (in addition to any tax which may be authorized to be levied for township purposes,) not exceeding five mills on the dollar, for the purpose, and to be applied to aid in the construction of a bridge across the Walhonding River, at the town of Walhonding, in said county.

SEC. 2. It shall be the duty of the trustees of said township, on, or before the first day of June next, to determine, and certify to the auditor of said county, the amount levied for the purposes aforesaid, not exceeding five mills on the dollar; and when so certified, said additional tax shall be levied and assessed, on the same kinds of property, in said township, which may be charged with any county tax, by authority of the same duplicate, in the same manner, and within the same time, the said county tax may be collected.

SEC. 3. All money collected and paid into the treasury of said county, by virtue of said additional tax, shall be applied under the direction of the Commissioners of said county, exclusively to the erection and construction of said bridge.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 18, 1854.

AN ACT

To authorize the trustees of the Benevolent Institutions. to admit S. H. Kennedy, of Shelby county, into the Lunatic Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the Board of Trustees, for the Benevolent Institutions, to admit S. H. Kennedy, of Shelby county, into the Lunatic Asylum, and permit him to remain so long as the said Trustees, in their discretion, shall deem necessary and proper.

F. C. LEBLOND,
Speaker of the House of Representatives
JAMES MYERS,
President of the Senate.

April 25, 1854.

AN ACT

To amend an act entitled an act to establish a Free Turnpike Road from Lower Sandusky, to the west line of Sandusky county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second section of the act entitled an act to establish a Free Turnpike Road from Lower Sandusky to the west line of Sandusky county, passed February 21st, 1846, be so amended as to read as follows: Section 2. That the taxes for road purposes, for one mile on each side of said road are hereby appropriated for said road, for the term of ten years, from the passage of this act; *Provided*, no lands north of the Maumee and Western Reserve Road, nor lands within the reservation of two miles square, at the foot of the rapids of the Sandusky River; and *provided*, further, that section five and six, in Scott township, Sandusky county, and the north-west quarter of section six, in township four, range fifteen, and the north halves of sections one, two, and three, and the east half of the north-east quarter of section four, in township four, range fourteen, all in said county of Sandusky, be not included within the lands so taxed.

SEC. 2. That section two in the above recited act is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 25, 1854.

AN ACT

Authorizing the conveyance in fee of lands held under leases from the Ohio University.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the holders of lands and town lots in the two university townships in Athens county, under leases from the President and Trustees of the Ohio

University, shall be authorized and permitted to surrender their leasehold titles, and to receive conveyance in fee simple therefor, on compliance with the provisions of this act.

SEC. 2. That upon the surrender and release to said corporation, of the leasehold title to the whole of any originally leased farm or town lot, or any sub-division or part thereof, within said townships, the holder or holders thereof shall pay to the Treasurer of said University a principal sum, which, at six per cent. per annum, will produce an amount equal to the yearly rent reserved in the original lease therefor, and shall pay up all rents due or to become due thereon, before or on the first day of January next thereafter, together with one year's rent in advance, whereupon such holder or holders shall be entitled to receive a deed of conveyance for such originally leased premises, (or separate sub-division or part thereof,) signed by the President, and countersigned by the Secretary, and sealed with the corporate seal of said University, which deed without other attestation or acknowledgment shall vest in such holder or holders an estate in fee simple, in the premises so conveyed; *Provided*, that such person so surrendering and releasing to said corporation, shall pay the necessary expenses incident to such change of tenure, or procure the services of an agent to perform the necessary labor thereof.

SEC. 3. That it shall be the duty of said Secretary carefully to file and preserve all such releases, and to keep an accurate registry of the dates of such deeds, with pertinent descriptions of the premises conveyed; and from the date of such deeds such premises shall be subject to taxation and other incidents in like manner with other freehold estates in said county.

SEC. 4. That it shall be the duty of the Treasurer of the Ohio University to deposit said principal sums so paid in any year into the State Treasury upon the certificate of the Auditor of State, on or before the first day of January next after such receipt, which said sums shall be added to the irreducible trust funds held by the State for educational purposes, and interest thereon, at the rate of six per cent. per annum shall be paid semi-annually, to the treasurer of said University; upon the the requisition of the Auditor of State.

SEC. 5. That the act entitled "an act authorizing the Trustees of the Ohio University to dispose of certain lands," passed February 4th, 1826, and the acts amendatory thereto, passed January 10, 1839, and March 21, 1840, be, and the same are hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To amend an act entitled "An act to revive and create permanently the office of Treasurer, in original township, number one, in range number one, in the county of Hamilton, and for other purposes, passed February 24, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fifth section of the act to which this is amendatory, be, and is hereby so amended, as to read as follows, to wit: The treasurer shall make an annual settlement with the trustees of said original township, on the third Monday in April of each year, for all the money that may have come into his hands for school purposes, and the orders which have been paid, shall be passed to the credit of the Treasurer, and allowed to the trustees. Upon such settlement the trustees, shall certify to the treasurer, the amount he has disbursed, designating the amount paid to each district, also, the balance in the treasurers hands, if any. The treasurer shall immediately thereafter report to each district the result of his settlement with the trustees, for their respective districts, also, the full amount of money, if any belonging to said district, remaining after each settlement, and the district clerks shall make a report of the same at the annual district election therefor.

SEC. 2. That the fifth section of the act to which this is amendatory, be, and the same is hereby repealed.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To provide for the permanent location of the Seat of Justice of Noble county, by the legal voters thereof, and for the erection of Public Buildings therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the taking effect of this act, so far as the location of the county seat of Noble county is effected, as hereinafter provided the seat of justice in the county of Noble, shall be permanently located and fixed, until otherwise provided by law on the following premises, to wit: beginning at the place where the Lancaster and Louisville road crosses the west line of the north-east quarter of section three, in township number six, of range nine, of lands sold at Zanesville, Ohio, thence north on said west line twenty-eight rods, thence east twenty-nine rods, thence south twenty-eight rods, thence west twenty-nine rods to the place of beginning, situated in Olive township, in said county of Noble.

SEC. 2. That this act shall take effect, and be in force, when, and so soon as the same shall be adopted by a majority of all the qualified electors of said Noble county, voting at the next general election, after the passage of this act, in accordance with the rules, and in the manner hereinafter provided.

SEC. 3. That the qualified electors of said Noble county, at the next general election, after the passage of this act, shall endorse on their tickets, either the words "locate county seat on north-east quarter of section three, Olive township" or "county seat remain at Sarahsville," and if a majority of all the qualified electors of said Noble county, voting at said general election, shall vote for location of county seat on said north-east quarter of section three, Olive township, this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 4. That the judges and clerks of the elections in the several townships in said Noble county, at the said election, shall cause all the votes so to be given for "location of county seat on said north-east quarter of section three, Olive township," or for "the county seat to remain at Sarahsville," to be regularly and fairly counted, and entered in the usual forms, for certifying the returns of elections, and to certify and return the same, together with a poll-book of the electors voting at said election, to the clerk of the Court of Common Pleas of said county, and said clerk shall, after said returns are made to him without any unnecessary delay, open the same, in the presence of the probate judge, or sheriff of said Noble county, and count up the whole number of votes in favor of "locating the county seat on said north-east quarter of section three, in Olive township," and the whole number in favor of the county seat remaining at Sarahsville, in each and all of the townships in said county, and shall make, certify, and place on file in his office correct abstracts of the returns from all of the townships in the county, showing the number in gross of all votes in favor of each of said places for county seat, and said clerk shall cause a copy of said certificate to be published in some newspaper in general circulation in said county.

SEC. 5. That if a majority of all the legal voters of said county, voting at said election, shall vote in favor of "locating county seat of said county, on said northeast quarter of section three, of Olive township," the clerk of the Court of Common Pleas of said county, shall cause a copy of the certificate and notice, mentioned in the preceding section of this act, to be entered upon the record of the proceedings of said Court of Common Pleas, at the next or succeeding term of said court, after said election, which record shall be taken and received, as legal evidence for all purposes, of the result of said voting.

SEC. 6. That the commissioners of said Noble county, shall, within twenty days after the result of said election shall be made known, as provided for in section four, of this act, levy a tax sufficient, together with the proceeds of the sale of the public buildings in Sarahsville, which buildings such commissioners are hereby authorized and directed to sell, to erect a court-house, jail, offices and other necessary public buildings for said county, on the premises described in section one, of this act; *Provided*, That if a majority of all the legal voters of said county, voting at said election, shall not vote in favor of locating county seat on the pre-

mises mentioned in the first section of this act, then said public buildings shall be erected by the tax above provided for, in the town of Sarahsville, in said county.

SEC. 7. It shall be the duty of the sheriff or coroner, as the case may be, to cause proclamation to be made to the qualified voters of said county in the same manner, and at the same time, as by law he is required to do in other elections, notify said electors to vote as aforesaid upon the question by this bill, submitted to them; *Provided, however*, That the omission to publish such proclamation shall not be deemed to impair the validity of any returns that are made in pursuance of section four of this bill; and that in such case, the judges of elections shall nevertheless return a statement of the votes for, and against said location, and erection of said public buildings as hereinbefore provided for.

SEC. 8. That when suitable buildings are provided, the commissioners of said county shall notify the officers of said county, who shall, within twenty days after receiving said notice, remove their respective offices to the buildings so provided by said commissioners, as described in this bill, and the next session of the Court of Common Pleas, and Disttict Court, shall be held in said court-house, so erected, and the place where said public buildings shall be erected in pursuance with the provisions of this act, shall thenceforth be the seat of justice of Noble county, until otherwise provided by law.

SEC. 9. That any elector of said Noble county shall have the right to contest the validity of the vote authorized to be taken by this act, by serving a notice upon the commissioners of said county, within twenty days after said election, in the manner provided in the act to regulate the election of State and county officers, passed May 3, 1852. The mode provided in the thirty-ninth section of said act, for contesting the right of any person declared duly elected to the House of Representatives, shall apply to the election authorized in this act, except that the testimony taken, shall be returned to the Court of Common Pleas of said Noble county, on or before the second day of the third term next ensuing, after the service of said notice, and taking of testimony, which court shall hear and determine the contest, and make an order and decree, determining the seat of justice of said county, according to the true result of said vote.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

AN ACT

To authorize and empower the Commissioners of Coshocton and Tuscarawas countys to borrow money, for the purpose of building Bridges across Tuscarawas river, in said counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the County Commissioners of Coshocton and Tuscarawas, are here-

by authorized and empowered, if they shall deem it necessary to borrow any sum of money not exceeding twenty thousand dollars, for the purpose of building a bridge across the Tuscarawas river, at or near Miskimen's Ford, near new Comerstown, and at such other places across said river, as said commissioners may deem proper for which said loan, the commissioners in their respective county, and their successors in office may issue such certificates or bonds as may be agreed upon between them and the person or persons, body or bodies corporate, with whom such loan or any part thereof, may be contracted, bearing interest at a rate not exceeding seven per centum, per annum, and redeemable at such time and place as the said county commissioners may designate on the face of such certificates or bonds.

SEC. 2. That for the payment of the interest annually on such bonds, and the final redemption of the principal of such loan, the said county commissioners are hereby authorized to levy a tax in addition to any tax which may be authorized to be levied for county purposes, not exceeding one and a half mills on the dollar, of the total valuation of said county, and such additional tax shall be levied and assessed on the same kind of property which may be charged with any county tax on the duplicate, and collected in the same manner, and within the same time that said county tax may be collected.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Supplementary to an act entitled "an act to authorize the Commissioners of Hamilton county to improve the roads of said county, upon conditions therein named," passed March 24, 1851.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever it shall be necessary to repair any road in said county, improved under the provisions of the act to which this is supplementary, and the tolls collected from the same within one year, will not be sufficient to pay for such repairs, it shall be lawful for the said commissioners to borrow any sum of money not exceeding one thousand dollars, for every mile necessary to be repaired, at a rate of interest not exceeding six per centum per annum, and to secure the money so borrowed, to issue bonds for amounts not less than fifty dollars each, bearing interest as aforesaid, subject to the same terms, conditions and limitations prescribed in said act, to be paid out of the tolls accruing on said road, and not out of any other funds of the county whatever, and each bond so issued shall bear upon its face a clear statement of the terms aforesaid, and shall also designate the road for which it shall be issued.

SEC. 2. That said commissioners may appropriate out of any money in the county treasury, not otherwise appropriated, any sum not exceeding one thousand dollars to be expended by said commissioners in removing obstructions from, and keeping in repair any turnpike road owned by the county, out of the corporate limits of the city of Cincinnati, which the commissioners of said county may, by the contract of purchase thereof, have become bound to keep in repair.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To authorize the County Commissioners of Franklin County to dispose of the County Infirmary, and procure a new site.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the County Commissioners of Franklin County be, and they are hereby authorized to select and purchase such lot or tract of land, as they may judge necessary, for a County Infirmary, and advantageous to the county, and thereon to erect such suitable buildings as may be necessary to accommodate the poor of the county; and the expense of such purchase and erection, shall be defrayed by a tax levied on the objects of county taxation, for that express purpose; which tax shall be collected and paid over in the same manner that other taxes are collected; *Provided,* that no more tax shall be levied, than may, in their judgment be necessary to meet the balance of expense, after applying thereto the sums that may be realized under the provisions of the second section of this act.

SEC. 2. That the said commissioners may sell, at such time as they may deem most to the advantage of the county, either at public or private sale, in parcels or otherwise, the site of the present County Infirmary, with the appurtenances thereunto belonging, and on completion of the payments, good and sufficient deed or deeds may be made to the purchaser, or purchasers, his, her, or their heirs and assigns, and the proceeds arising under this section shall be faithfully applied to defray the expenses that may arise under the first section of this act; *Provided,* that if any surplus shall remain, the same shall be paid into the county, treasury and constitute a part of the general county fund.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To provide for refunding to Franklin, Chester, and South Broomfield townships in Morrow county, from the Treasury of Knox county, certain moneys therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all moneys heretofore levied on the taxable property of Franklin, Chester, and South Bloomfield townships in Morrow county, and paid into the Treasury of Knox county, for the payment of interest on the bonds made by said Knox county, to secure the payment of its subscription to the capital stock of the Columbus and Lake Erie Railroad Company, shall be refunded and paid over by the treasurer of Knox county, to the treasurers of said townships respectively, on the order of their respective trustees.

SEC. 2. That the said trustees be and are hereby authorized to apply, at their discretion, all or any part of said money, to township, poor, or road, or common school, or any, or either of the aforesaid purposes, in the same manner that moneys raised by taxation, are now, or shall hereafter, by law, be applied to said purposes; *Provided*, that all the moneys aforesaid which shall be by them disbursed for school purposes, shall be apportioned to each of the districts of their respective townships, according to the last preceding enumeration returned to the county auditor.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

To authorize the County Commissioner of Marion County to sell stock in the Belfontaine and Indiana Rail Road Company, and to dispose of the proceeds thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the County Commissioners of Marion county are hereby authorized and empowered to sell, transfer, and dispose of all stock owned by Marion county in the Belfontaine and Indiana Railroad Company, over and above the amount originally subscribed by said Commissioners to the capital stock of said company, and the proceeds of all such sales shall be appropriated and applied for the purchasing of the necessary amount of land, and erecting suitable improvements thereon for a County Infirmary, and for county purposes as said Commissioners may direct; *Provided*, always, that the proceeds arising from any such sale shall not be

applied to the purchase of stock in any joint stock company, corporation, or association whatever.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

AN ACT

Relative to Real Estate for an Infirmary in Monroe County.

WHEREAS, The Commissioners of Monroe county, in the State of Ohio, did, on the sixteenth day of January, 1854, purchase from Benjamin C. Coates; the east half of the south-east quarter, and the north-west quarter of the south-east quarter of section 26, township 5, range 5, containing about 120 acres, and lying and being in said county, for the purposes of establishing a County Infirmary; and WHEREAS, It becoming impracticable to use said real estate for the purposes aforesaid, and desirable that other real estate should be purchased for said purposes, the Commissioners of said county, did, on the tenth day of March, 1854, purchase from Thomas Morris, the south part of the south-west quarter of section 25, in the township and range aforesaid, containing about 120 acres; and WHEREAS, doubts are entertained as to the legality of the last mentioned purchase, and it being desirable that said first mentioned tract be disposed of, and real estate legally procured for the purpose of establishing a County Infirmary for said county; Therefore, for the purpose of carrying out the intentions of said Commissioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Board of County Commissioners of Monroe county, in the State of Ohio, be, and they are hereby authorized to purchase, for the purpose of establishing a County Infirmary for such county, such real estate within said county, and upon such terms as they may deem proper, in the same manner as if said Commissioners had never made a purchase of real estate for said purpose.

SEC. 2. That said Board of County Commissioners of said county, be, and they are hereby authorized to sell and dispose of to such person or persons, and upon such terms as they may deem proper, the real estate recently purchased by said County Commissioners, for the purposes of establishing thereon an infirmary for said county; *Provided*, said Commissioners shall not sell or dispose of the same for less than the actual cost of said real estate.

F. C. LEBLOND,
Speaker of the House of Representatives,
ROBERT LEE,
President of the Senate, pro tem

May 1st, 1854.

AN ACT

To authorize the Trustees of Benevolent Institutions, to admit Michael Marrarta, of Madison county, into the Lunatic Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the Board of Trustees, for the Benevolent Institutions, to admit Michael Marrarta, of Madison county, into the Lunatic Asylum, and permit him to remain so long as the said Trustees, in their discretion, shall deem necessary and proper.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854

RESOLUTIONS.

JOINT RESOLUTION

For the relief of John F. Chandler.

WHEREAS, John F. Chandler, an insane person, after a residence of 18 years in Ohio, removed to the State of Iowa, in which State he resided sufficiently long to lose his residence in Ohio, since his return to this State, with the intention of again being a citizen, he has become a lunatic, but not having resided one year in Ohio since his return, it is doubtful whether under the law he can be admitted into the Lunatic Asylum, not being by the officers deemed a citizen of Ohio —therefore,

Be it resolved by the General Assembly of the State of Ohio, That the Trustees and Superintenent of the Lunatic Asylum be instructed to admit John F. Chandler, late of the State of Ohio, within the Lunatic Asylum under the same regulations as if the question of citizenship had not been raised, and he had resided within Ohio sufficiently long to have become a citizen.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

January 31st, 1854.

RESOLUTION

Relative to the distribution of the Agricultural Reports.

Resolved by the General Assembly of the State of Ohio, That the Secretary of State be, and he is hereby authorized to deliver to the sergeant-at-arms of the two Houses, for the use of their respective bodies for distribution among the people, the printed reports of the State Board of Agriculture, for the year 1852, as follows:

To the sergeant-at-arms of the Senate, seven thousand copies, ten per cent. of which to be in German. And to the sergeant-at-arms of the House, fourteen thousand copies, ten per cent. of which to be in German.

That the Secretary of State be, and he is hereby authorized to retain one thousand copies of the aforesaid Agricultural Reports (five hundred copies of which to be delivered to the State Board of Agriculture) for distribution and exchange with other Agricultural Societies.

Resolved, That the sergeants-at-arms be, and they are hereby authorized to cause said reports to be boxed up in such numbers as may be ordered by the members of either House, under the supervision of the Secretary of State, and by him sent by express to the order of the members.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of Senate.

March 13, 1854.

RESOLUTION

To empower the Commissioners of Morrow County to compromise and settle certain claims, &c.

Resolved by the General Assembly of the State of Ohio, 1st. That the Commissioners of Morrow county, are hereby authorized and empowered to compromise and settle all claims which now exist in suits or otherwise, in favor of and for the use and benefit of said State and county, or either of them, against William Geller, (late Treasurer of said county) and his sureties, upon such terms as said commissioners may consider for the benefit of said State and county; Provided the Auditor of said State shall consent to, and approve of such settlement before the same shall be confirmed or of any binding effect. And of the amount received upon such settlement said commissioners shall pay or cause to be paid into the treasury of said State upon the order of the Auditor, the proportion which may be found due to said State, by proportioning the amount received upon such settlement between said State and county, according to their respective claims.

Second. That the said Auditor of State be, and he is hereby authorized and required, upon his being presented by the treasurer of said county, with an order drawn by the Auditor of said county, upon the Treasurer of said State for the payment to the treasurer of said county, of so much of the interest of the common school fund as became due the several townships, or other districts of county, within said county in 1851, according to the act entitled "an act to establish a fund for the support of common schools," passed March the 2nd, A. D. 1831; then to certify (as such Auditor of State,) according to said act an abstract of the amount of interest due the townships or districts of county, as aforesaid on A. D. 1851, and remaining unpaid, and when said order shall be properly presented for payment, the same to be paid, receipted for, and delivered for educational purposes according to the tenor and effect of said act.

F. C. LEBLOND,
Speaker of the House of Representatives,
JAMES MYERS,
President of the Senate.

March 18, 1854.

RESOLUTIONS

Relative to the unlawful proceedings at Erie, &c.

WHEREAS, The securing to the several states and to the people thereof, as far as practicable, of equal facilities for carrying on their foreign and domestic commerce, by preventing one State from levying impost or transit duties on the imports or exports of another—and by providing for keeping open, and free to all the great avenues of trade, was among the most important objects sought to be attained by the adoption of our national constitution ;—and

WHEREAS, the preservation of harmony among the several states and between the citizens thereof, depends, in a great measure, on carefully observing and carrying into effect the spirit, as well as the letter of the provisions of that constitution, which were designed to secure those important objects.—therefore,

Resolved by the General Assembly of the State of Ohio, That it is expedient for this State to adhere to the policy heretofore adopted, and steadily pursued, of encouraging individual enterprise, in opening and improving channels of trade, and travel, wherever public convenience may demand, and connecting them with those of other states, without requiring for the use of this State any bonus, or transit duty, or any tax on the capital of individuals or companies invested in such improvements, except such equitable tax as is levied on other property of equal value; and that this policy should not be departed from, unless it should become necessary to secure from the effects of discriminating taxes, or transit duties, levied by other states on certain avenues of trade, the investments of citizens of this State made therein.

Resolved, That it is the essence of a healthy commerce, that it be allowed freely to seek its own channels—and that it is therefore, both unwise and futile, to attempt the obstruction of a natural avenue, or to seek to divert trade from one channel into another, otherwise than by inviting it into the latter by the removal of obstacles, and offering new and greater facilities than it has hitherto enjoyed.

Resolved, That Lake Erie, and the level country along its margin, presents a great avenue of trade and travel, marked out by the hand of nature, between the eastern and western portions of the United States, alike important to the interests of both, and especially so to a great majority of the citizens of Ohio, and of the States west of it—and that it is therefore, the duty of this General Assembly, to endeavor, by all honorable and peaceful means in their power, to keep open and free, this great natural channel of commerce, as well along the margin of the Lake as on the Lake itself: therefore,

Resolved, That this General Assembly respectfully request the Legislature of the Commonwealth, of Pensylvania, now in session, to enact such law or laws, as will secure to the people of the Uuited States, a free and uninterrupted right to pass across that part of her territory which borders on the southern shore of Lake Erie, and particularly to secure to the citizens of Ohio, by a law as liberal as this State has been accustom-

ed to enact for similar objects, the investments made by them in the line of railroad extending from the borough of Erie to the western line of Pennsylvania.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to the Governor of the Commonwealth of Pennsylvania, with a request that he communicate the same to the Legislature of that State.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 18, 1854.

RESOLUTION.

Appointing Trustees for Neville Institute.

WHEREAS, John Beaver, late of the county of Columbiana, in his life time, erected near the town of Liverpool, in said county, a building intended by him as an Academy, for the education of youth; and whereas, the said Beaver by his last will, devised a sum of money, to be put to interest, the proceeds of which to be applied towards the support of said institution, which he denominated the "Neville Institute;" and whereas, the said Beaver by his said last will, appointed Trustees for said Institution, and requested that the Legislature should appoint others, not to exceed six in number, to serve for the term of three years, which Trustees should form a board for the management of said fund, and superintendance of said institution; therefore,

Resolved by the General Assembly of the State of Ohio, That Rev. John Moore, William G. Smith, Thomas Blythe, Sanford C. Hill, George Anderson, and David Boyce, be, and they are hereby appointed Trustees of the Neville Institute, in the county of Columbiana, for the term of three years.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

March 25, 1854.

[RESOLUTION.]

Relative to the repeal of duty on Sugar and Molasses, and instructing our Senators, and requesting Representatives to vote therefor.

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives requested to use

their best exertions so to modify the existing tariff law, as to remove intirely the duty on Sugar and Molasses, and have them placed on the "free list."

Resolved, That the Governor of this State, be requested to forward a copy of theabove resolution to each of our Senators and Representatives in Congress.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 3, 1854.

JOINT RESOLUTION.

Relative to an examination of the two additional Lunatic Asylums.

Resolved by the General Assembly of the State of Ohio, That a joint committee of two members on the part of the Senate, and three members on the part of the House of Representatives, be, and are hereby appointed to examine to examine the two additional Asylums, now in the process of erection, and to report to this General Assembly the condition of said buildings—the process that has been made in their erection—the amount of money already expended, and the amount, if any, necessary to complete the same; and that the committee so appointed, are instructed to examine the books and accounts of the Trustees of said Asylums, and to report whether, in their opinion, a due regard to economy in the expenditure of the public money, and whether said contracts have been fully complied with, as well as the provisions of the law providing for the erection of said Asylums have been observed by said Directors; and that said committee examine into the fact, as to whether the contracts for the erection of said buildings were let to the lowest bidder, and that said committee have power to send for persons and papers, and to take testimony if they deem it necessary.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 3, 1854.

JOINT RESOLUTION.

Relative to reciprocal free trade with Canada.

Resolved, That our Senators in Congress be instructed, and our Represe ntatives be requested to use their best endeavors in favor of establish-

ing reciprocal free trade, with the Canadas, and the opening of the navigation of the river St. Lawrence, to the commerce of the United States.

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

RESOLUTION.

Resolution, appointing Arvin C. Wales, Trustee of the Charity School of Kendall, Stark county, Ohio.

Resolved by the General Assembly of the State of Ohio, That Arvin C. Wales, be, and he is hereby appointed a Trustee of the Charity School of Kendall, Stark county, Ohio, to fill the vacancy occasioned by the death of Arvin Wales, for, and during the unexpired term of said Arvin Wales, deceased.

W. B. VANHOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

RESOLUTION.

Relative to the selection of rooms in the State House, for various public State offices, and other purposes.

Resolved, That the Governor of the State, State House Commissioners, together with a committee of five on the part of the House, and three on the part of the Senate, be authorized to examine the State House building, and select and locate such rooms for the various State offices—for agricultural, and such other rooms as they may deem necessary for the interest of the State, and report at as early a day as practicable.

W. B. VAN HOOK, *pro tem.*
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 7, 1854.

RESOLUTION.

Relative to *sine die* abjournment.

Resolved, That the Senate and House of Representatives adjourn *sine die*, on the first Monday of May, 1854.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 13, 1854.

[RESOLUTION]

Relative to keeping open the anticipated contracts of the Board of Works, for repairs on the National Road.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be, and they are hereby instructed to close no contract for the repairs of the National Road, or any part thereof, until after the close of the present session of this General Assembly.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 13, 1854.

[RESOLUTION]

Relative to furnishing one copy of each volume of Public Documents to each Benevolent Institution of this State.

Resolved, by the General Assembly of the State of Ohio, That the Secretary of State be, and is hereby directed to furnish one copy of each volume of Public Documents, published by order of the General Assembly. to the Library of each of the Benevolent Institutions of this State.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 13, 1854.

RESOLUTION

Relative to House Bill No. 32.

WHEREAS, the act entitled " an act to amend an act to provide for the organization of cities and incorporated villages," passed May 3d, 1852, and supplementary and amendatory to an act to provide for the organization of cities and incorporated villages, passed March 11th, 1853, which was House Bill No. 32, was incorrectly enrolled and signed by the presiding officers—therefore,

Resolved, That a Committee of three on the part of the House, and two on the part of the Senate, be appointed to examine and report upon the proper mode of correcting the error.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 13, 1854.

JOINT RESOLUTION

Relative to the division of Ohio into two Judicial Districts.

WHEREAS, a Bill dividing the State of Ohio into two Judicial Districts has passed the Senate of the United States, and is now before the Judiciary Committee in the House,—therefore,

Resolved, by the General Assembly of the State of Ohio, That our Representatives in Congress are hereby requested to use their influence to procure the passage of said bill.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 18, 1854.

RESOLUTION

Authorizing the Trustees of the Benevolent Institutions to continue Mary E. Dill as a pupil in the Blind Asylum until the close of Session of 1855.

Resolved, by the General Assembly of the State of Ohio, That the Trustees of the Benevolent Institutions be, and they are hereby authorized to permit Mary E. Dill, of Warren county, to remain in the Blind Asylum as a State pupil until the close of the Session of 1855.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 25, 1854.

RESOLUTION

In relation to Printing Reports on Common Schools, &c.

Resolved, by the Senate and House of Representatives, That there be printed for distribution among the people a sufficient number of copies of the Report of the Secretary of State in reply to Senate resolution to Common Schools, as will provide one copy to each county auditor, one to each township board of education, and one to each school district in the State, with five hundred copies for the school commissioner, five hundred copies for the Secretary of State.

Resolved, That there be attached to and printed as an appendix to said report, the report of the Senate Committee on Common Schools, and the reply of the Commissioners of Common Schools, to Senate Joint Resolution of the third instant.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 26, 1854.

JOINT RESOLUTION.

Relative to the construction of a Railroad to the Pacific Ocean, from some point on the Mississippi river.

WHEREAS, a railroad to the Pacific Ocean, from some point on the Mississippi river, is demanded alike for the convenience of our people, the transportation of the mails, and the defense of our Territories, therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress, be instructed, and our Representatives be requested to use their influence in favor of the early construction of such road, and to induce Congress to give all reasonable assistance to the same.

Resolved, further, That the preference ought to be given to any practicable route, that passes nearest through the central line of the United States and Territories.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 28, 1854.

JOINT RESOLUTION.

In relation to forwarding copies of the Ohio State Reports, Vol. one, to Messrs. Ge Pugh, and R. P. Spaulding, at Washington city.

Resolved by the General Assembly of the State of Ohio, That the Se ry of State is hereby authorized and directed to forward by expre

copies of the Ohio State Reports, volume one, to Messrs. Geo. E. Pugh, and R. P. Spaulding, attorneys for the State, at Washington city.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 28, 1854.

RESOLUTION.

In relation to Custom House in Toledo, Cleveland and Sandusky city.

WHEREAS, the commerce of the Ports of the United States, in Ohio, has increased to an amount of Commercial business, far beyond any other ports containing the same number of inhabitants in the United States, and this immense business is done without any adequate convenience of Custom House, or other facilities, which are granted to other cities of much less commercial importance; and whereas, there is an apparent unjust distinction against the Ports on Lake Erie, in Ohio, in the amount of salaries paid to collectors and inspectors, particularly is this inequality apparent at the Port and city of Toledo, Cleveland and Sandusky city, the population of which has increased from 1850, to 1854, 119½ per cent. each year increasing more than the former, with a greater proportionate increase in commercial business, than any other in the Union of the same number of inhabitants.—therefore,

Resolved by the General Assembly of the State of Ohio, That our Senators in Congress be instructed, and our Representatives be requested to use all proper means to procure an appropriation to build such Custom Houses at Toledo, Sandusky, and Cleveland, as will accommodate the growing demands of the commerce of those ports, and also to procure the allowance of salaries to Collectors and Inspectors in Ohio, commensurate with the increasing duties and responsibilities imposed upon them.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded to each of our Senators and Representatives in Congress.

F. C. LEBLOND,
Speaker of the House of Representatives.
JAMES MYERS,
President of the Senate.

April 29, 1854.

RESOLUTION.

Relative to recovering the title of the State to certain Canal Lands.

Resolved by the General Assembly of the State of Ohio, That the Attorney General, be instructed to institute such judicial proceedings as may

be necessary to set aside all such sales, certificates of purchase, or deeds as have been made, issued or given in fraud of the true intent and meaning of any of the several acts hereinafter referred to: The "act passed February 8, 1847, entitled an act to establish the price of the Miami, Wabash and Erie and Ohio Canal lands, and to secure their sale to actual settlers," also "The act amendatory thereto, passed March 23, A. D. 1850, also, the act to abolish the offices of Register and Receiver of the State Land Office at Defiance. To regulate the sale of lands at said office, and to create the office of land Commissioner, passed April 16, 1852, also, the act supplementory thereto, passed January 12, 1853, and that the Attorney General be allowed to employ such assistance as may be necessary to a faithful and efficient discharge of the duties required by the resolution.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

JOINT RESOLUTION.

Authorizing the printing and circulation of Agricultural Reports.

Resolved by the General Assembly of the State of Ohio, That ten thousand copies of the Report of the State Board of Agriculture, for the year 1853, and the year 1854 be printed, one thousand for the use of the Board, three thousand for the use of the Senate, and six thousand for the use of the House of Representatives. And that the Secretary of State is hereby authorized to distribute these reports to the several counties of the State, in the same manner as the Agricultural Reports, for the year 1852, have been distributed; *Provided also*, That ten per cent. of these reports shall be printed in the German language.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

RESOLUTION.

Relative to the distribution of duplicate copies of Public Documents, &c.

Be it resolved by the General Assembly of the State of Ohio, That the Secretary of State, and the State Librarian be, and they are hereby author-

ized and required to deliver to the Historical and Philosophical Society of Ohio," for their separate use, until the return of the same shall be required by the State, or to such person as shall be appointed by said society to receive the same, a copy of every public document in possession of the State, of which the State shall own duplicate ones, and above the number to be kept in the State Library, on or before the first day of June next.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

RESOLUTION

In relation to Reports to the next General Assembly.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works are authorized and required to report to the next General Assembly, the number, amount, and character of all claims against the State of Ohio, then unadjusted and pending before said Board; *Provided,* that no claim shall be included in said report which has previously been passed upon by said Board, or upon which an award has been had by appraisers of damages or otherwise.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

RESOLUTION

Relative to the assignment of Rooms in the State House to officers of State.

Resolved by the General Assembly of the State of Ohio, That the following rooms in the State House be assigned to the different officers of State: To the Governor, two rooms on the north side of the north-west wing, in the room next to the north hall, and the one adjoining it; to the Secretary of State, the other four rooms in the same wing; to the Board of Agriculture, the two large rooms on the north side of the north-east wing; to the Board of Public Works, the other four rooms in that wing; to the Auditor of State, two large rooms and one small room adjoining, in the south-west wing; to the Treasurer of State, two large rooms and one small

room adjoining, in the south-east wing; to the Attorney General, the south-east room in the centre building; to the Adjutant and Quarter Master General, the north-west room in the centre building, and to the School Commissioner, the room adjoining the Library, on the second floor.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, pro tem.

May 1st, 1854.

RESOLUTION

Relative to collating the Laws and orders of the Board of Public Works.

Resolved, by the General Assembly of the State of Ohio, That the Board of Public Works be directed to collate the laws and the orders of the Board made in pursuance thereof, for the protection of the Public Works of the State, and that the Secretary of State cause three thousand copies of said laws to be printed under the contract for the printing of the laws and journals for the use of the Board of Public Works.

F. C. LEBLOND,
Speaker of the House of Representatives.
ROBERT LEE,
President of the Senate, Pro tem.

May 1st, 1854.

SECRETARY OF STATE'S OFFICE,
COLUMBUS, OHIO, MAY, 1854.

I hereby certify that the foregoing acts and resolutions are true copies of the original rolls now on file in this office.

WILLIAM TREVITT,
Secretary of State.

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[DERBY'S EDITION.]

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